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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1885.

Published by Authority.

XIIIA/30

LAHORE: PRINTED BY W. BALL & Co.,
(Successors to the Punjab Printing Company)
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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab in the Home (Judicial) Department, No., 722, dated 5th July 1886

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1885.

REMARKS—The establishment of Revenue Courts under Chapter V of the Punjab Courts Act of 1884, and the consequent transfer to them of certain classes of suits which previously were treated as civil cases, has resulted in a considerable decrease in the number of civil institutions during the year 1885, the figures for that year and 1884 being 247,047 and 262,860 respectively. The amount of work performed by the Revenue Courts is not known, and it is uncertain whether the total civil and revenue litigation has been more or less than in previous years, but the decrease in the number of civil suits agrees with the forecast made when the separation of the Civil and Revenue Courts was decided on. Of the total number of civil suits 87 per cent. were brought to recover money or movable property, and the average value of such suits was Rs. 59-10-11. The bulk of the litigation of the Province is therefore of the pettiest description, and it is satisfactory that a larger percentage of suits to recover money or movables is annually disposed of by the Munsiffs, leaving the superior officers leisure for more important duties. Thus, while in the year 1882, 62 per cent of such suits were decided in the Munsiffs' Courts, 68 per cent. were so decided in 1883, and 73 per cent. in the year under review.

2. The manner of the disposal of original civil suits does not require notice except in regard to decrees bearing interest. This subject was remarked upon in paragraph 6 of last year's review, in which the Lieutenant-Governor expressed his satisfaction that there had been a decrease in the number of such decrees. The figures for the year 1885 show an increase of 245 decrees in which interest was allowed on the amount decreed, which is not satisfactory; but His Honor is glad to see that the Judges have given their attention to the subject, and he hopes that the subordinate courts will give greater consideration to the matter in the future.

3. The percentage of wholly infructuous decrees has steadily risen during the past five years, the figures being respectively 38·2, 39, 42·3, 42·9 and 45·4 per cent. during that period. No reason has been assigned for this apparently unsatisfactory state of things. Possibly the increased percentage for the year under review is mainly due to the exclusion from the Civil Courts of revenue suits in which, if the assistance of the court is invoked, the execution of the decree can hardly prove infructuous, the subject matter being nearly always immovable property which cannot be concealed or fraudulently transferred after the determination of the suit. The Lieutenant-Governor desires that the subject may be more fully noticed in the report for next year.

4. The most material change effected by the Punjab Courts Act of 1884 has been in the appellate system, which was explained in paragraph 4 of last year's Report on the Administration of Civil Justice. As the law now stands, no appeals can be preferred to District Courts except from orders in suits not exceeding Rs. 500 in value, of the nature cognizable by a Small Cause Court, which have been decided by a Munsiff or special Judge exercising the powers of a Munsiff. Allowance being made for the exclusion of revenue suits from the Civil Courts, the result has been that, as compared with the year 1883, the number of appeals instituted in District Courts has fallen from 14,778 to 8,486, while there has been a corresponding increase in the number presented in Divisional Courts from 5,192 to 9,788. There were also pending from the previous year 4,586 appeals, due to the fact that on the

introduction of the new judicial scheme at the close of 1884 it was necessary to transfer from the District Appellate Courts all pending appeals, which under the new law would have been instituted in the Divisional Courts. Thus during the year 1885 the Divisional Courts had a total of 14,374 appeals to decide. During last summer it became apparent that the Divisional Judges could not, under the bench system, successfully grapple with the work thrown upon them, and it was decided to abandon that system, substituting courts presided over by a single Judge. At the same time temporary assistance was given to clear off the arrears by the appointment of six Additional Judges for a period of six months. These changes were not introduced till the middle of November, and, owing to the fact that the new temporary courts experienced an initial difficulty in getting into working order, the number of appeals disposed of by the Additional Judges up to the close of the year was only 1,619. Thus 6,800 appeals remained pending on December 31st. It is, however, satisfactory to record that on May 1st of the present year the number of pending cases had fallen to 4,429, and, as under existing circumstances, the work of the Divisional Courts is disposed of with much greater rapidity than under the bench system, it is believed that if a fourteenth Judge should be appointed no accumulation of arrears will again occur.

5. The number of appeals from decrees instituted in the Chief Court fell from 2,612 in 1884 to 906 in the year under review. This decrease was mainly due to the fact that during the continuance of the bench system in the Divisional Courts the right of appeal to the Chief Court was in certain cases restricted. At the same time, although the number of appeals instituted was fewer than in previous years, a much smaller percentage of those actually preferred could be decided by a single Judge in chambers: thus the total number of disposals was considerably less than during 1884. Notwithstanding this, the number pending at the end of the year, namely, 816, was considerably less than it has been for several years, and from the beginning of April last it was found practicable to reduce the number of Judges from five to four. When the bench system was broken up and the six Additional Divisional Judges appointed, the work of the court again necessarily became heavier, but the effect of this was not felt till after the close of 1885.

6. In conclusion, while thanking the learned Judges for their general superintendence of the subordinate courts of the Province, the Lieutenant-Governor desires specially to record his appreciation of their co-operation in devising means for removing the block of work which had vitally impaired the efficiency of the Divisional Courts and in effecting such changes as will, His Honor hopes, result in an even and efficient despatch of the business of the courts.

ORDER.—Ordered that a copy of the above review be furnished to the Registrar of the Chief Court, Punjab, for the information of the Judges, and for circulation with the Report.

Ordered also that the remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

W. M. YOUNG,

Secretary to Government, Punjab.

Punjab Government Press, Lahore—6-7-86—358.

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No. 1940.

FROM

T. GORDON WALKER, ESQUIRE,

Registrar, Chief Court, Punjab,

To

W. M. YOUNG, ESQUIRE,

Secretary to Government, Punjab.

Dated Lahore, the 26th May 1886.

SIR,

I AM directed by the Judges to submit the report on the Administration of Civil Justice in the Punjab, for the year 1885.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTION, CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS; COST OF LITIGATION.

Number of suits instituted in the various grades of Courts.

2. The annexed statement shows the number of suits instituted in the Civil Courts of the Province in each of the last five years :—

Grade of Court.	1881.	1882.	1883.	1884.	1885
Chief Court	1	1	1	3	4
Divisional Courts	4	3	...	3	5
District Courts of general jurisdiction.	236,069	236,147	239,814	241,197	225,392
District Small Cause Courts	12,438	12,942	13,537	13,825	13,883
Cantonment Small Cause Courts ...	6,178	6,959	7,616	7,832	7,763
Total ...	254,690	256,052	260,968	262,860	247,047

It is hardly necessary to explain that the cause of the falling off in the number of institutions is the transfer to the Revenue Courts of the classes of cases described in Chapter V of the Punjab Courts Act, 1884. The decrease agrees with the calculation that was made at the time of the introduction of that measure of its probable effect in this direction.

Classification of suits

3. The following table shows the number of Civil Suits instituted in each of the last three years arranged under the principal heads of classification :—

Description of Suits.	1883.	1884.	1885.
I. Suits for money or moveable property.			
On registered bonds	3,567	3,828	3,441
On unregistered bonds	87,821	86,046	85,856
Otherwise than on bonds	101,120	102,300	104,244
For rent other than of land	2,859	3,306	3,015
For moveable property or value thereof	13,410	13,500	14,794
For damages	3,230	1,967	1,501
Other suits	1,888	2,350	1,427
Total ...	213,895 82 *p. c.*	213,297 81 *p. c.*	214,278 87 *p. c*
II *Rent suits and suits under the Punjab Tenancy Act* ...	11,687 5 *p. c.*	12,089 5 *p. c.*	41 ...
III. Other suits.			
For immoveable property	21,471	23,109	23,592
For a declaration of right	1,990	2,364	2,520
For specific performance	236	218	186
Relating to betrothals, marriage, divorce and dower	4,815	5,541	5,286
For or relating to partition	191	178	257
Not included in the above	6,683	6,064	887
Total ...	35,386 13 *p. c.*	37,474 14 p. c.	32,728 13 *p. c.*
Grand Total ...	260,968	262,860	247,047

Suits of the kinds described in (*a*) to (*g*) of Section 45 of the Punjab Courts Act, 1884, would fall under Class II of the above table; and suits of the remaining kinds, for the most part, under the last heading in Class III. No case of any of the classes described in Section 45 can now be entertained by a Civil Court unless one of the parties to the suit in the Revenue Court is referred to the Civil Court under Section 45; and such references appear to be of rare occurrence.

Distribution of suits instituted according to classification between the various Courts.

4. The distribution of the institutions of original civil suits between the various grades of Courts will appear from the annexed abstract, in which are shown for each of the Classes I and III in the preceding paragraph the percentages of suits instituted in each grade of Court:—

Description of Court.	Percentage of suits of Class I ("for money or moveables.")			Percentage of suits of Class III ("other suits").		
	1883.	1884.	1885.	1883.	1884.	1885
Superior District Courts of general jurisdiction ...	11	9	7	36	34	44
Munsiffs' Courts	68	71	73	29	35	38
Small Cause Courts	10	10	10	...	...	...
Tahsildars' Courts	6	5	5	31	29	15
Naib-Tahsildars' Courts	1	1	1	1	...	...
Honorary Courts...	4	4	4	3	2	3
Total ...	100	100	100	100	100	100

5. As in the preceding years a very large proportion of the civil suits instituted were brought to recover debts due from people of the agricultural class on account of money lent or goods supplied, the returns of the year under report showing the number of suits of this description as 103,146, or 42 per cent. of the whole institutions.

Suits by money lenders against agriculturists.

6. All but 2 per cent. of the suits instituted were capable of some sort of determinate money valuation, the details of which, according to the classification usually adopted, are as follows :—

Value of suits instituted.

	Class	Number of suits.	Value.	Average value.		
			Rs.	Rs.	A.	P
(1.)	For money or moveable property	214,278	1,27,89,280	59	10	11
(2).	For land assessed or subject to assessment ...	14,902	15,53,288	104	3	9
(3).	For other immoveable property	9,033	9,16,078	101	2	8
(4).	Other suits	3,656	6,52,701	178	4	6

The average value of class (1) is much the same as in past years—it was Rs. 61-9-0 in 1884; and Rs. 57 in 1883. The valuation given for (2) is, as explained in last year's Report, far below the real market value of the property in suit, being that accepted for purposes of calculating the institution fee.

Of the total number of suits instituted in the year, nearly 88 per cent. were for money and moveables not exceeding Rs. 500 in value.

Value and cost of suits decided.

7. The annexed statement gives, in the usual form, details of the value and cost of the suits disposed of in the year, with the proportion of cost to value :—

VALUATION OF SUITS.		Number of suits.		Aggregate value of suits.		Aggregate cost of suits.		Average value of suits.						Average cost of suits.						Percentage of cost to value.	
		For money or moveable property.	Other suits.	For money or moveable property.	Other suits.	For money or moveable property.	Other suits.	For money or moveable property.			Other suits.			For money or moveable property.			Other suits.			For money or moveable property.	Other suits.
				Rs.	Rs.	Rs.	Rs.	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	A	P		
Not exceeding Rs.	10	58,595	7,232	3,75,137	43,791	76,415	14,936	6	0	5	6	0	11	1	4	10	2	1	0	20	34
" "	50	99,472	11,973	25,44,735	3,33,927	3,12,334	57,291	25	9	2	27	14	1	3	2	3	4	4	6	12	15
" "	100	32,507	5,516	21,99,728	3,95,616	2,33,833	49,394	67	10	7	71	11	7	7	3	1	8	15	3	11	12
" "	500	22,813	3,923	46,15,072	7,90,851	4,79,229	80,105	193	12	10	201	8	6	20	1	4	22	11	5	10	11
" "	1,000	1,528	529	10,58,217	3,67,905	1,07,891	39,580	692	8	10	696	7	7	70	9	10	74	13	8	11	10
" "	5,000	779	366	13,49,250	6,14,904	1,22,756	40,069	1,731	0	6	1,680	1	0	157	9	4	109	7	7	9	6
" "	10,000	46	19	3,14,611	1,33,033	22,066	9,175	6,839	6	0	7,001	11	9	479	11	1	482	14	3	7	7
" "	1,00,000	40	17	9,65,859	3,07,735	43,558	12,226	24,191	7	7	18,103	1	0	1,088	15	3	719	2	9	4	4
Exceeding "	1,00,000	...	1		11,56,311	...	7,004	...	...	...	11,56,311	0	0	...	...	...	7,004	0	0	...	1
Total ...	1885	216,780	29,576	1,34,21,609	41,43,873	13,97,132	3,12,785	61	14	7	140	1	8	6	7	1	10	9	3	10	8
	1884	211,079	41,572	1,26,77,887	33,82,148	12,42,686	3,79,063	60	1	0	81	8	8	5	14	4	9	2	1	10	11
Suits of which the value cannot be fixed	1885	...	4,986	...	...	...	72,225	...	...	...	...	...	...	...	...	...	14	7	11	...	
	1884	...	5,381	...	...	...	67,983	...	...	...	...	...	...	...	...	...	12	10	1	...	..
Grand Total ...	1885	216,780	34,562	1,34,21,609	41,43,873	13,97,132	3,85,010	...	...	...	...	...	...	...	...	...	11	2	3	...	
	1884	211,079	46,953	1,26,77,887	33,82,148	12,42,686	4,47,046	...	...	...	...	...	...	...	...	...	9	8	6	...	

The percentages of the cost of litigation to the value of the suits are much the same as in past years. For suits relating to money or moveable property the percentage is 10, though of course this does not represent the whole cost of litigation incurred by the parties.

B.—Disposal of Original Civil Suits.

8. There were in the Chief Court and in Divisional Courts 5 and 7 original civil suits for disposal, of which 2 and 6 were decided by these Courts respectively. These were matrimonial suits under Act IV. of 1869.

Original civil work disposed of and pending. Methods of disposal.

The following abstract shows the number of suits for disposal and disposed of, by the District Courts of the Province:—

Year.	Number of Original Civil suits.		
	For disposal (instituted, pending, and re-admitted.)	Disposed of.	Pending.
1884	290,723	271,375	19,348
1885	276,112	259,849	16,263
Difference ...	−14,611	−11,526	−3,085

The proportions of the various methods in which the original civil suits were disposed of in each of the three last years were as follows :—

	1883.	1884.	1885.
Without trial	19·4	18·5	19·4
" contest	47·9	48·5	49·7
On reference to arbitration	1·4	1·1	0·9
After contest { for plaintiff...	22·2	22·9	21·6
After contest { for defendant	9·1	9·0	8·4

There has been no material variation in any of these percentages.

Further details of disposal.

9. The following statement gives for each of the past two years the full details of the methods in which the suits were disposed of, with the averages of duration :—

1	2	3	4	5	6	7	8	9	10	11	12
Year.	Percentage of Cases.								Percentage of contested cases decided in favor of plaintiff to the number contested.	Average duration.	
	Dismissed on default.	Withdrawn with leave—Sec. 373, Civil Pro. Code.	Compromised.	Decreed on confession.	Decreed or dismissed *ex-parte*.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant.		Incontested cases.	In uncontested cas
1884 ...	17	0·6	21	17	11	1	23	9	72	32	20
1885 ...	18	0·5	21	17	11	0·9	22	8	72	33	21

Dismissals on default, and cases decided *ex-parte*.

10. The proportion of cases dismissed on default and decided *ex-parte* was much the same in both years. The number of suits dismissed on default and of applications for re-admission were :—

Year.	Suits dismissed on default	Applications for re-admission.
1884 ...	46,646	11,117
1885 ...	46,772	8,387

Thus, in the year under report, applications for re-admission amounted to only 18 per cent. of the dismissals; and 71 per cent. of these applications were successful.

The following is a complete statement for the year 1885 of the dismissals on default and the *ex-parte* disposals:—

Year.	Dismissals on default.				Ex-parte decisions.					
	Number of cases dismissed on default under Sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under Sections 97 and 98, Civil Procedure Code.*		Number of fresh suits brought on claims dismissed on default under Sections 97 and 98, Civil Procedure Code.	Number of cases in which judgment passed *ex-parte* against a defendant under Section 101, Civil Procedure Code.	*Applications to set aside ex-parte decrees.*		Number of cases in which suit was dismissed under Section 102, Civil Procedure Code.	*Applications under Section 103.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused
1885...	46,772	5,980	2,407	291	26,026	1,919	1,281	3,134	772	270

There were applications to set aside nearly 12 per cent. of the *ex-parte* decrees passed; and 61 per cent. of such applications were successful. These figures show the same results as were reported for 1884.

Contested suits.

11. The proportion of suits decided after contest to the whole number disposed of was 30 per cent. in 1885, and 32 per cent. in 1884. This decrease may perhaps be attributed to the transfer from the Civil Courts of the rent and revenue cases under Chapter V. of the Punjab Courts Act, as these were almost invariably contested.

Issue of commissions.

12. The annexed statement gives the usual details as to the issue of commissions by Civil Courts under Chapter XXV. of the Civil Procedure Code:—

Year.	For local investigation.				For examination of accounts.			
	To a revenue official.	To any other person.	Total.	Average cost.	To a revenue official.	To any other person.	Total.	Average cost.
				Rs. A. P.				Rs. A. P
1884	843	2,506	3,349	3 9 3	114	2,114	2,228	3 8 6
1885	478	2,051	2,529	4 2 4	142	1,876	2,018	3 8 1

These figures call for no remark.

Attachment before judgment.

13. In 680 cases, as compared with 750 in each of the two preceding years, property was attached before judgment. In 9 of these cases compensation was awarded for improper attachment.

Decrees bearing interest.

14. There has been an increase in the number of decrees in which the amount decreed was allowed to bear interest by consent of the defendant, while the number of cases in which it was allowed without such consent has again decreased. The figures for each of the last three years are as follows:—

Number of cases in which interest was allowed on amount decreed.	1883	1884.	1885
By consent ..	2,718	1,636	1,924
Without consent ...	370	347	304
Total ...	3,088	1,983	2,228

These results for 1885 are not altogether satisfactory. The districts which show the highest number of decrees bearing interest are :—

District.	By consent.	Without consent.
Delhi... ...	304	23
Gurgaon ...	281	10
Umballa ...	232	42
Jhang ...	223	22
Rohtak ...	219	22
Hissar	214	21

In 1884 Delhi had 551 such decrees; and Gurgaon, 232. The attention of the Courts of the old Delhi Division (now Delhi and Umballa Divisions) was drawn on the figures of 1884, and again on the returns of the first two quarters of 1885, to the subject; and it is evident that there was still some misunderstanding during part of the year 1885, as to the power of a Civil Court in respect of an agreement by a defendant to pay interest on an admitted claim. It is hoped that this misunderstanding has now been effectually removed. The attention of the Divisional and District Judges of the Districts mentioned above has been again drawn to the results shown for 1885; and explanations have been called for.

Rate of interest.

In three Districts the average rate of interest allowed with the consent of the defendants was over 12 per cent :—

District.	No. of decrees.	Average rate per cent. per annum.
Delhi... ...	304	17
Kohat	17	18
Sialkot ...	11	14·9

In Gurgaon the average rate allowed was 12 per cent. Elsewhere it was 10 per cent. or less. The action of the Delhi and Gurgaon Courts in allowing interest at such high rates and in so many cases, was the subject of inquiry and comment by the Court on the Quarterly returns; and it is believed that in future the discretion of these Courts will be exercised much more to the benefit of judgment-debtors. Interest without the consent of the defendant was allowed at a higher rate than 6 per cent. in very few cases; and in no case at a higher rate than 9 per cent.

It is clear that this subject still requires some attention from Divisional and District Judges.

Pending files.

15. The pending files at the close of each of the last three years in the District and Subordinate Civil Courts have been as follows :—

Year	Number of suits.	
	Pending.	Pending over three months.
1883	15,571	538
1884	19,026	729
1885	15,550	1,008

The decrease in the total pending file is satisfactory; but the number of cases pending over three months is higher than in either of the preceding years. To the latter Gurdaspur contributed 181; and Amritsar, 124 cases. Otherwise the figures under both heads are evenly distributed. The oldest case was instituted in the Rawalpindi District in June 1883.

Average duration.

16. The averages of duration were, as in 1883, 33 days in contested, and 21 days in uncontested cases, or one day in each instance higher than the figures for 1884. For contested cases the averages were high in:—

Shahpur	55 days.
Gujranwala	53 „
Simla	47 „
Rawalpindi	40 „

In uncontested cases it was highest in Shahpur (32 days). The averages in the Courts of each grade were as follows:—

	Contested.		*Uncontested.*	
	1884.	1885.	1884.	1885
District Judges' Courts	79	81	57	47
Courts of Subordinate Judges with appellate powers	68	56	32	43
Assistant and Extra Assistant Commissioners' Courts	47	49	32	29
District Small Cause Courts	19	18	17	16
Cantonment Small Cause Courts ...	18	18	12	15
Munsiffs' Courts	29	30	20	21
Tahsildars' Courts	29	27	20	19
Naib-Tahsildars' Courts	25	22	16	28
Honorary Civil Judges' Courts ...	33	31	23	22

C.—Agency employed in Districts for the disposal of Civil Suits.

Distribution of original Civil work between the various grades of Courts.

17. The annexed table shows the manner in which the original Civil Suits disposed of were distributed between the various grades of Courts:—

Number of officers.			Grade of officers.	Original suits decided. Number.			Percentage.			Average number of cases decided by officers of each grade.		
1883	1884	1885		1883.	1884.	1885.	1883	1884	1885	1883.	1884.	1885.
..	.	...	District and Subordinate Judges with appellate powers ...	4,135	8,239	5,928	1·7	1·2	2·2	...	...	..
	.	...	Assistant Commissioners ...	6,000	5,699	3,122	2·2	2·2	1·2	...	...	
	.	...	Extra Assistant Commissioners	32,305	27,924	21,257	11·9	0·3	8·1	...	...	
125	125	123	Tahsildars	30,068	28,746	17,401	11·1	0·6	6·7	241	232	141
18	15	7	Naib-Tahsildars	3,696	2,356	2,066	1·3	0·9	0·8	205	157	295
78	84	84	Munsiffs	164,147	171,651	177,726	60·2	63·2	68·3	2,104	2,043	2,116
79	47	52	Honorary Civil Judges	10,366	9,761	10,231	3·7	3·5	3·9	212	206	197
4	4	4	Judges of District Small Cause Courts	14,071	14,097	*14,205	5·1	5·2	5·8	3,518	3,524	3,521
9	9	9	Judges of Cantonment Small Cause Courts	7,811	7,962	7,913	2·8	2·9	3·0	868	885	879
			Total ...	272,601	271,375	259,849	100	100	100	...	...	.

* Includes 22 cases disposed of by Assistant Commissioner Kulu in exercise of Small Cause Court powers.

Remarks on the above table

18. It will be seen from the above that the Munsiffs disposed of 68 per cent. of the whole civil work as against 63 per cent. in 1884; the proportions disposed of by Tahsildars in each of these years being 6 and 10, respectively. These differences are the direct result of the Punjab Courts Act, 1884, which transferred a large number of suits (Section 45) from the Civil to the Revenue Courts. These suits do not, of course, now appear in the returns of civil work. The same cause has led to a decrease in the average number of Civil suits disposed of by Tahsildars, whose judicial work is made up as far as possible of Criminal and Revenue cases. Munsiffs and Judges of Small Cause Courts together disposed of 77 per cent. of the whole number of suits decided. Civil suits are allotted to only a few Naib Tahsildars in hill tracts, where the convenience of litigants renders this arrangement necessary.

Honorary Civil Courts

19. The Honorary Civil Judges who rendered most assistance in the disposal of judicial work are shown in the annexed statement :—

District.	Name of Judge	Pecuniary limit of powers	Cases disposed of
		Rs	
Sialkot ...	Bhawal Baksh	100	823
Do. .	Sardar Dyal Singh	500	621
Gujranwala .	Raja Harbans Singh	100	590
Ferozepore .	Sodhi Indar Singh	500	554
Amritsar ...	Sardar Ajit Singh	5,000	509
Ferozepore ...	Sodhi Rajindar Singh	100	452
Kohat ...	Nawab Sir Khwaja Muhammad Khan, K.C.S.I.	500	416
Karnal ...	Riaz Husen	50	373
Umballa ...	Sardar Jiwan Singh (Shahzadpur) ...	500	353
Sialkot ...	Sardar Richpal Singh	100	344
Kangra ...	Raja Amar Chand	500	330
Kohat ...	Khan Bahadur Muhammad Zaffar Khan ...	500	312
Karnal ..	Dewa Singh	50	282

Sodhi Man Singh (Ferozepore District) and Sardar Ajit Singh (Amritsar) having been invested with the powers of a Subordinate Judge, the arrangements made for the distribution of civil work did not permit of their taking up any small causes not exceeding Rs. 500 in value, as the result of their deciding such suits would have been to give an appeal to the Divisional instead of to the District Court.

D.—Miscellaneous Cases.

Miscellaneous cases in District Courts under the Code of Civil Procedure

20. The following is a comparative statement of the number of miscellaneous cases instituted in District Courts under the Code of Civil Procedure in each of the two past years :—

Nature of case	1884	1885
Plaints or memoranda of appeal rejected or returned without registration	5,642	5,966
Applications for restoration to the file of a suit or appeal dismissed on default, or decreed *ex-parte* (Sections 99, 103, &c.)	14,721	13,659
Objections with regard to attached property (Sections 278 and 487) ...	13,960	13,823
Applications for permission to sue as a pauper (Section 401) ...	1,314	1,102
Applications for review of judgment (Section 623)	2,280	1,810
Other cases	964	1,159
Total ...	38,881	37,519

The details of this statement appear to call for no remark.

Other miscellaneous cases in District Courts.

21. The institutions of miscellaneous cases not connected with the Code of Civil Procedure amounted to 2,673, as compared with 2,544 in 1884. Of this number cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806 made up—

1884	1,430
1885	1,510

Applications under the Regulations were most numerous in the following Districts :—

Umballa	247
Hissár	213
Rohtak	200

Applications for certificates under Act XXVII of 1860 (for the purpose of collecting debts due to the estates of deceased persons) were 543; and applications under Acts XL of 1858 and IX of 1861 (guardianship and administration of the property of minors) amounted to Rs. 374.

Miscellaneous cases in Divisional Courts.

22. The following is a statement of the miscellaneous cases disposed of in Divisional Courts during the year :—

	Number.	
	1884.	1885.
Memoranda of appeal rejected or returned	161	504
Applications under Sections 558 and 560 for the restoration to the file of an appeal dismissed on default or decided *ex-parte*	29	71
Applications for permission to appeal as a pauper	56	68
Applications for review of judgment	27	107
Applications for certificates to appeal under Section 40 (*d*), Punjab Courts Act	...	390
Cases under the Land Acquisition Act, 1870	31	23
TOTAL ...	304	1,163

The great increase in the institutions of Civil appeals in Divisional Courts will be noticed hereafter, and this with, probably, a more strict observance of the provisions of the Code will account for the increase under the first head. The *certificate* appeal is a creation of the Punjab Courts Act where an appeal does not lie as of right, but a Judge of a Divisional Court certifies "that there is a question of law or custom, or of general interest involved, and the case is in his opinion of sufficient importance to justify a further appeal." Of 390 applications for such certificates in 1885, 107 were successful.

E.—EXECUTION OF DECREES.

General statement of results of execution-proceedings.

23. The usual details of the execution of decree work of the Courts of each District, are shown in the annexed table :—

District.	Total number of applications for execution.		Transferred.		Completely executed.		Partially executed.		Wholly infructuous.		Total number disposed of.		Percentage of decrees completely executed to the number disposed of.		Average duration.		Value of money decrees in execution.		Amount realised. Voluntarily.		Amount realised. After issue, but without execution of process.		Amount realised. After execution of coercive process.		Percentage realized	
	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885
																	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		
Delhi ...	7,138	7,56	132	203	1,802	1,777	2,029	1,851	2,575	3,089	6,538	6,920	28	26	34	37	7,33,763	22,11,488	34,600	67,891	26,803	19,113	96,008	81,946	21	8
Gurgáon ...	1,917	2,076	17	13	566	553	382	372	771	993	1,736	1,931	33	28	31	35	2,34,466	2,14,682	4,023	488	4,273	3,134	42,792	50,278	22	25
Karnál ...	3,096	3,750	23	19	699	753	516	701	1,475	1,902	2,713	3,376	26	22	28	46	2,28,244	2,30,270	11,077	11,400	7,505	9,395	35,373	48,356	24	31
Hissar ...	2,100	2,983	2	8	498	806	457	754	773	1,127	1,730	2,695	29	30	21	35	1,80,573	2,87,985	4,211	14,470	5,387	8,433	25,047	57,315	19	28
Rohtak ...	4,610	5,408	2	5	1,149	1,425	1,162	1,721	1,308	1,828	3,621	4,989	32	28	42	44	2,48,370	2,80,440	11,037	10,146	8,522	13,209	38,000	54,776	23	24
Sirsa ...	851	...	...	...	425	...	155	...	271	...	851	...	50	...	38	...	71,938	...	7,988	...	7,426	...	15,780	...	43	...
Umballa ...	7,898	8,789	13	...	2,255	2,327	1,815	2,030	3,054	3,704	7,147	8,061	32	29	38	34	6,68,017	7,62,777	13,008	14,616	34,842	44,094	1,06,139	1,03,908	23	21
Ludhiana ...	8,924	9,221	49	71	2,397	2,512	2,834	3,176	2,162	2,207	7,442	7,966	32	31	55	46	8,07,370	6,69,964	22,025	30,974	27,566	51,215	71,813	85,272	15	25
Simla ...	1,786	1,805	29	115	385	362	272	273	957	941	1,643	1,691	23	21	20	26	1,97,828	4,09,703	13,091	21,946	9,370	6,367	33,352	27,788	28	13
Jullundur ...	17,941	18,036	15	93	4,043	3,761	3,999	3,908	7,969	8,609	16,026	16,371	25	23	35	38	10,99,266	8,98,475	21,213	32,363	50,235	81,673	1,73,593	1,35,169	22	27
Hoshiárpur ...	14,617	14,380	64	15	4,161	4,146	3,435	3,258	5,344	5,511	13,004	12,930	32	32	48	46	8,88,227	8,56,091	23,560	17,061	21,861	31,639	1,85,536	1,72,493	26	26
Kangra ...	4,064	4,074	...	...	1,380	1,558	963	944	1,244	1,238	3,587	3,740	38	42	39	34	1,68,487	1,64,510	26,484	2,801	8,291	8,811	29,059	51,578	38	38
Amritsar ...	12,551	12,681	95	84	3,556	3,484	3,108	2,735	4,451	5,255	11,210	11,558	31	30	46	37	8,32,233	8,37,655	49,333	34,063	18,338	24,238	1,54,347	1,50,939	27	25
Gurdáspur ...	10,991	10,694	33	7	3,851	3,651	2,371	2,388	3,288	3,278	9,543	9,324	40	39	53	57	5,81,893	5,02,617	14,494	11,180	38,511	40,270	1,36,090	1,38,463	32	37
Sialkot ...	15,017	14,116	...	...	3,309	3,655	3,357	3,218	6,675	5,861	13,341	12,734	25	29	38	40	5,87,877	4,79,571	7,170	7,487	45,384	46,017	1,36,581	1,39,577	32	42
Lahore ...	14,108	14,830	255	201	4,346	3,875	3,838	2,939	4,208	6,361	12,647	13,376	34	29	22	36	6,54,531	8,77,261	1,11,005	72,015	35,440	46,572	1,77,134	1,94,581	50	36
Gujranwála ...	9,402	9,103	104	70	2,177	2,123	2,188	2,189	3,799	4,002	8,268	8,384	26	25	58	51	6,49,374	6,18,093	5,787	9,379	27,929	25,685	97,230	1,03,160	20	22
Ferozepore ...	7,981	8,141	23	93	2,222	2,271	1,669	1,835	3,337	3,159	7,251	7,358	31	31	34	37	5,57,588	4,75,394	9,010	8,534	21,154	18,991	1,16,366	1,39,816	26	35
Rawalpindi ...	9,979	9,491	361	23	2,668	2,529	2,376	1,969	3,564	3,920	8,969	8,441	30	30	38	48	6,74,251	6,36,940	8,218	7,922	12,243	16,719	2,06,937	2,13,286	34	37
Jhelum ...	4,486	4,340	...	...	1,501	1,361	999	946	1,503	1,607	4,003	3,914	37	35	37	29	3,29,159	3,15,301	9,919	6,277	9,430	14,816	70,953	75,499	27	31
Gujrat ...	6,523	7,405	82	101	1,741	2,033	1,291	1,508	2,707	3,331	5,821	6,973	30	29	36	40	1,68,505	1,48,992	2,653	4,569	14,419	4,812	64,540	72,543	48	55
Shahpur ...	4,783	5,691	...	9	850	1,032	699	817	2,600	3,132	4,149	4,990	20	21	34	46	2,35,559	2,38,026	10,423	12,375	7,880	11,617	29,060	37,034	20	26
Mooltan ...	4,078	4,477	...	...	1,452	1,154	435	447	1,800	2,379	3,687	3,980	39	29	18	35	2,28,711	2,31,919	8,105	7,316	23,531	31,807	75,664	79,376	47	51
Jhang ...	3,465	3,840	...	3	880	913	507	552	1,787	2,095	3,174	3,563	28	26	28	36	1,92,789	2,17,091	4,134	5,115	6,487	6,950	35,454	38,883	24	23
Montgomery ...	2,460	2,336	...	...	520	530	395	349	1,136	1,156	2,051	2,035	25	26	27	45	2,22,759	1,76,979	1,199	2,718	10,532	6,516	33,259	25,710	20	20
Muzaffargarh ...	3,204	3,870	...	...	949	1,054	551	721	1,388	1,765	2,888	3,540	33	30	33	45	1,51,999	2,20,375	4,458	4,610	11,465	13,641	35,672	44,370	34	28
Dera Ismail Khan	3,311	4,150	...	...	953	1,092	455	749	1,402	1,940	2,810	3,781	34	29	38	44	1,77,890	3,36,456	9,602	12,203	7,595	14,505	39,760	80,936	32	32
Dera Ghazi Khan	4,285	4,461	...	...	1,569	1,635	645	777	1,669	1,801	3,883	4,213	40	39	34	33	1,73,248	2,29,920	6,944	3,421	19,466	15,886	38,723	48,674	37	29
Bannu ...	3,366	3,064	1	...	1,260	1,115	497	563	1,202	948	2,960	2,626	44	42	45	48	1,37,945	1,53,705	5,643	8,481	5,878	9,411	41,823	40,449	38	38
Peshawar ...	4,422	4,618	7	14	1,540	1,66	846	971	1,493	1,467	3,886	4,116	40	40	25	29	3,37,275	3,86,276	7,775	8,833	20,892	9,838	90,113	1,02,814	35	31
Hazara ...	1,838	1,559	...	...	576	585	333	319	691	433	1,600	1,337	36	44	17	15	93,133	87,842	4,241	3,037	9,868	10,992	22,022	33,475	39	54
Kohat ...	1,550	1,616	...	4	710	784	229	193	428	490	1,367	1,471	52	53	29	28	1,27,312	1,05,240	3,324	7,279	7,469	4,576	32,975	39,589	34	49
Total ...	202,832	208,566	1,307	1,161	56,400	56,520	44,808	45,173	77,031	85,530	179,546	188,384	31	30	39	40	1,26,40,580	1,42,62,002	4,75,749	4,61,040	5,65,992	6,50,852	24,86,225	26,58,644	28	26

General results of execution proceedings.

24. Applications for execution increased from 202,832 to 208,566, or by 3 per cent.; and there was a corresponding increase in the amount of execution business disposed of. There was a considerable increase in the gross value of the money decrees in execution (from Rs. 1,26,40,580 to 1,42,62,002). Looking to the number of cases disposed of, the following abstract shows the degrees of success attending the operation of the Courts:—

	Percentage of decrees.		
	1883.	1884.	1885.
Completely executed	32·2	31·4	30·0
Partially executed	25·0	25·0	24·0
Wholly infructuous	42·3	42·9	45·4
Transferred	0·5	0·7	0·6

The average duration of execution-proceedings was 40 days in 1885 and 39 in 1884. The pending file at the close of 1885 consisted of 20,182 cases, as compared with 23,286 at the close of 1884.

Modes of coercion employed.

25. The following table shows the processes resorted to for the execution of decrees in each of the two last years:

Number of Applications.	1884.	1885.
On which processes were issued, but not executed ...	45,246	48,809
On which moveable property was attached but subsequently released	46,182	42,229
On which moveable property was sold	10,820	10,956
On which immoveable property was attached, but subsequently released	6,325	6,124
On which hereditary or joint acquired property in land was sold	96	41
On which immoveable property was sold	2,074	2,130
On which action was taken under Section 305, or Section 306, Civil Procedure Code	486	575
On which possession was given of moveable property ...	262	596
Ditto ditto ditto immoveable property ...	6,061	5,412
On which specific performance was enforced	170	226
On which partition was effected	98	57
On which execution was effected otherwise than as above ...	152	101
On which judgment-debtors were arrested but released without imprisonment	8,310	9,345
On which judgment-debtors were imprisoned	1,033	1,081

There is a further increase in the number of applications on which process was issued, but no execution followed.

Realizations of money decrees.

26. As already noted the value of money decrees in execution increased from Rs. 1,26,40,580 in 1884 to Rs. 1,42,62,002. The total amount realized was Rs. 37,70,536 or 25 per cent. as compared with 28 per cent. in 1884. Realizations were effected as follows:—

		Sum realized.		*Percentage.*	
		1884.	1885.	1884.	1885.
		Rs.	Rs.		
Paid in voluntarily		4,75,749	4,61,040	... 14	12
Realized	After issue, but without execution of process	5,65,992	6,50,852	... 16	17
	By attachment only	17,12,776	17,97,002	... 49	48
	By sale	4,93,975	5,41,914	... 14	15
	By arrest only	2,36,251	2,78,889	... 6	7
	After imprisonment	43,223	40,839	... 1	1

Alienations in execution of hereditary property in land

27. The number of sales of hereditary or joint acquired property in land fell from 96 in 1884 to 41 in the year under report, the number in 1883 being 8. It may be here noted that by Punjab Government Notification No. 1297 (S.) dated 10th September 1885, the power of sanctioning sales of such land in execution of decree has been transferred from the Chief Court to the Financial Commissioners.

Temporary alienations of land under sections 305 and 326, Civil Procedure Code, rose from 486 to 575, the number in 1883 being 754.

Arrest and imprisonment.

28. The numbers of judgment-debtors arrested, but released, and of those actually imprisoned, were 9,345 and 1,081, respectively, as compared with 8,310 and 1,033 in 1884. The amount for which debtors were committed to prison was Rs. 1,72,860 in 1885 and Rs. 1,78,763 in 1884. The following statement gives information as to the periods of detention :—

Year.	Number of persons detained.			Average duration.
	Up to one month.	Between one and three months.	Between three and six months.	
1884	628	404	126	36
1885	621	319	141	39

Distribution of execution work.

29. The following statement shows the distribution of execution work between the various grades of Courts and the results obtained in each grade :—

Class of Court.	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part.		Value of money decrees in execution.		Percentage realized.		Average duration.	
	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885
					Rs.	Rs.				
Sadar Courts	31,172	28,018	53	53	60,59,102	73,62,191	23	18	45	48
Small Cause Courts	13,536	14,827	68	58	5,28,565	5,45,558	40	35	13	13
Tahsil Courts	17,553	16,163	64	62	6,93,267	5,92,508	38	38	31	35
Munsiffs' Courts	112,801	124,535	54	52	51,27,918	54,93,536	38	35	39	41
Honorary Courts	4,484	4,841	63	63	2,31,733	2,68,209	34	32	43	41

Insolvency proceedings under the Civil Procedure Code.

30. The following statement shows the number of applications for declaration of insolvency under Chapter XX, Civil Procedure Code, filed and disposed of in each of the past two years :—

Year.	Filed.				Disposed of.	Pending.
	By judgment debtors.		By decree-holders.	Total.		
	Under arrest or imprisonment.	Against whose property an order of attachment had been made.				
1884	86	413	...	499	481	105
1885	64	409	30	503	507	101

The results of the applications disposed of in the two years were as follows :—

		1884.	1885.
Transferred		1	1
Withdrawn or otherwise not prosecuted		183	218
Granted	A receiver not being appointed	69	47
	A receiver being appointed	60	84
Rejected	Penal proceedings not being taken ...	166	134
	Penal proceedings being taken	2	23

Twenty-six per cent. of the applications were successful, as against 27 per cent. in the previous year. They were most freely rejected in the Umballa, Rawalpindi, Gujrat, Dera Ismail Khan and Peshawar Districts.

In the year under report 132 persons were declared to be insolvents; of whom 50 were discharged without a receiver being appointed; and 68 persons were discharged on the receiver's report, under Section 355, Civil Procedure Code.

Estates in the hands of receivers.

31. The number of estates in the hands of receivers during the year was 133. In 66 cases the administration of the property was completed and proceedings finally closed, and 67 estates were still under management at the end of the year. The scheduled debts aggregated Rs.4,30,159, and of this sum 14 per cent. was satisfied or written off during the year. Including the balance of the previous year, there was Rs. 81,949 in the hands of receivers, of which Rs. 44,299 or 54 per cent. was disbursed, leaving Rs. 37,650 in hand at the end of the year.

F.—Witnesses.

Attendance of witnesses in Civil Courts.

32. The usual details of the attendance of witnesses in original Civil Suits in each of the two past years are as follows;—

	Number.		Difference.	Percentage.	
	1884.	1885.		1884.	1885.
Witnesses who appeared voluntarily ...	142,055	134,430	—7,625	35	34
Witnesses for whose appearance a summons was issued	264,200	260,741	—3,459	65	66
Total	406,255	395,171	—11,084	...	...

Expenses paid to witnesses.

33. Of the number of witnesses summoned, 202,319, or 77 per cent., received diet money, averaging 9 annas and 11 pies, as against 10 annas and 2 pies in 1884. The average was highest in Montgomery, Re. 1-5-10, and Hissar, Re. 1-0-3; and lowest in Gurdaspur, Sialkot and Lahore, where 7 annas were paid on the average to each witness.

PART II.—SMALL CAUSE COURTS.

Original civil business of District Small Cause Courts.

34. The annexed table gives details of the original Civil suits for disposal and disposed of by District Small Cause Courts in each of the two past years:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
COURT.	*Number of suits on the file.*																						*Average duration.*					
	Pending from last year.		Instituted.		Re-admitted under Sections 99 and 103 of Act XIV of 1882 or Section 21 of Act XI of 1865.		Total.		Disposed of without trial.		Without contest.		With contest.		Total disposed of.		Pending at the end of the year.		Pending for more than three months at the close of the year.		Percentage of contested cases.		Contested.		Uncontested.		Cases in columns 4 and 5 brought by bankers and shop-keepers against agriculturists.	
	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885	1884	1885
Delhi	153	189	3,122	3,148	107	60	3,382	3,397	448	433	1,615	1,669	1,130	1,131	3,198	3,233	159	164	1	5	35	35	17	16	17	16	...	89
Simla	98	185	1,373	1,339	55	36	1,526	1,560	271	238	714	801	356	387	1,341	1,426	185	134	4	6	26	25	30	43	32	29	...	.
Amritsar ..	306	274	4,068	4,056	74	99	4,448	4,429	608	563	2,364	2,316	1,202	1,288	4,174	4,167	274	262	22	50	28	31	22	23	20	19	269	221
Lahore	342	329	5,262	5,298	114	119	5,718	5,746	623	694	3,194	3,017	1,572	1,646	5,389	5,357	329	389	37	50	29	31	15	11	12	10	459	492
Kulu (A. C.) ...	...	...	...	42	...	...	...	42	...	4	...	12	...	6	...	22	...	20	...	...	...	27	...	19	...	14	...	16
Total ...	899	977	13,825	13,883	350	314	15,074	15,174	1,950	1,932	7,887	7,815	4,260	4,458	14,097	14,205	977	969	64	111	30	31	19	18	17	16	738	818

This statement shows but little variation in any particular in the two years. The work of the Lahore Court continues to be heavier than that of any other; but the Judge is assisted by a Registrar, who disposes of all cases up to Rs. 10 in value.

The Assistant Commissioner of Kulu was invested with Small Cause Court powers within a limited local area, as his ordinary powers are those of a Subordinate Judge, and, without Small Cause Court powers, his decisions in small causes, not exceeding Rs. 500 in value, would have been appealable to the Divisional Judge. Similar powers have, since the close of the year, been conferred on one or two other officers in charge of Sub-divisions, and on one Honorary Civil Judge in the Ferozepore District.

It will be seen that the percentage of contested cases is slightly higher, while the averages of duration are lower than in the preceding year.

Cantonment Small Cause Courts.

35. The work of the Cantonment Small Cause Courts is shown in the annexed statement:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Court.	Number of Civil suits on the file.												Average duration.		
	Pending from last year.	Instituted.	Re-admitted under Sections 99 and 108, Act XIV of 1882.	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest.	Grand total disposed of.	Pending at the end of the year.	Pending for more than three months at the close of the year.	Percentage of contested cases.	Contested.	Uncontested.	General average duration.
Umballa ...	12	1,065	3	...	1,080	248	609	199	1,056	24	...	19	12	14	14
Simla Hills ...	37	538	14	...	589	90	322	132	544	45	1	24	43	36	37
Jullundur ...	6	202	11	...	219	30	124	60	214	5	...	28	19	25	23
Sialkot	16	380	5	...	401	65	248	79	392	9	...	20	12	9	10
Mian Meer ...	10	823	...	...	833	143	525	157	825	8	...	19	9	7	8
Ferozepore ...	40	1,561	32	...	1,633	127	1,197	203	1,527	106	...	13	18	13	14
Rawalpindi ..	27	1,615	96	...	1,738	321	1,056	351	1,728	10	...	20	17	18	18
Mooltan	6	757	16	...	779	104	494	161	759	20	...	21	13	13	13
Peshawar ...	43	822	15	...	880	87	483	298	868	12	...	34	17	14	15
Total ... 1885...	197	7,763	192	...	8,152	1,215	5,058	1,640	7,913	239	1	21	17	15	16
Total ... 1884...	132	7,832	195	...	8,159	1,181	5,266	1,515	7,962	197	...	19	18	12	13

The cases coming before Cantonment Small Cause Courts are all of the simplest nature; and this will account for the small proportion (19 per cent.) of the cases that were contested.

Witnesses and execution work in Small Cause Courts.

36. It does not appear necessary to notice separately in the report of this year, the subject of attendance of witnesses and of execution business in Small Cause Courts. The details under these heads are included in those given in Sections E. and F. of the first portion of this Report.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Abstract of institutions of appeals in District and Divisional Courts.

37. The following abstract shows the number of appeals from decrees instituted during each of the last three years in District and in Divisional Courts:—

Year.	Number of appeals instituted.			Total number of contested cases decided.	Total number of first appeals.	Percentage of first appeals to appealable orders
	In District Courts.	In Divisional Courts.	Total.			
1883	14,778	5,192	19,970	79,896	18,627	23
1884	13,675	7,861	21,536	81,135	19,892	25
1885	8,486	9,788	18,274	71,928	18,274	25

Effect of the Punjab Courts Act, 1884, on the appellate business of District and Divisional Courts.

38. The alterations in the law of appeal introduced by the Punjab Courts Act, 1884, were explained in the Report of last year. It may be here repeated that "the only appeals that can be instituted in District Courts under the new law are in suits not exceeding Rs. 500 in value of the nature cognizable by a Small Cause Court and decided by a Munsiff or special Judge exercising the powers of a Munsiff." The new law came into effect on 1st November 1884, and the results for that year may be left out of account, the figures for 1885 being compared with those of 1883. It will be seen that the institutions in Divisional Courts have almost doubled, the District Courts being relieved by very nearly the number which has been added to the work of the Divisional Courts. The decrease in the total number of appeals instituted in both classes of Courts is due to the transfer, under Chapter V. of the Courts Act, of certain important classes of suits to the Revenue Courts, and to the abolition of the further appeals to Divisional Courts which were allowed by Section 38, Act XVII. of 1877.

A.—Appellate work of District Courts.

Agency for disposal of District appellate work.

39. Under the Judicial Scheme introduced with the Punjab Courts Act in 1884, it was arranged that in six Districts, where the civil appellate work was very light, it should be done by the Deputy Commissioner. In all other Districts a separate Officer has been appointed District Judge, or has been invested with the appellate powers of a District Judge (Subordinate Judge), and disposes of the appeals. One or two Assistant or Extra Assistant Commissioners in charge of Sub-divisions have also been invested with civil appellate powers; but these disposed of only 235 appeals in all, the whole of the rest being decided by the regular District agency described above.

Manner of disposal of appeals.

40. The proportions of the various methods in which the appeals were disposed of by District Courts in each of the past two years, were as follows :—

	Percentage.	
	1884.	1885.
Summarily rejected under Section 551, Civil Procedure Code ...	22·0	20·6
Struck off for default or under Section 557, Civil Procedure Code, or otherwise not prosecuted	4·4	4·2
Order of Lower Court confirmed *ex-parte*	3·0	3·3
" " " after contest	32·8	35 2
" " " modified	8·3	9·8
" " " reversed	17·3	16·6
Remanded under Section 562, Civil Procedure Code	12·4	10 3

Work disposed of and pending files.

41. The following abstract shows for each of the last three years the number of appeals for disposal, disposed of, and left pending at the end of the year :—

Year.	Number of appeals.		
	For disposal.	Disposed of.	Pending.
1883 ...	16,833	14,740	2,093
1884 ...	16,153	15,572	581
1885 ...	9,231	8,602	629

Of the appeals pending at the close of the year, the number pending over three months was 16, as against 13 in 1884. The oldest pending appeal was instituted in the Court of the District Judge, Kohat, on 20th January 1885. The districts which show the heaviest pending files were Umballa (62), Hoshiarpur (56), and Shahpur (50).

Average duration.

Rawalpindi ...	60 days.
Bannu ...	57 "
Mooltan	49 "
Montgomery .	42 "
Amritsar	41 "

42. The average duration of decided appeals was 30 days, as against 38 in the two preceding years. It was highest in the Districts noted in the margin.

Value and cost of appeals in District Courts.

43. The annexed table shows in the usual form the value and cost of appeals decided in District Courts, and the percentage of cost to value :—

Scale of valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.						Average cost of appeals.						Percentage of cost to value	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.			In other suits.			In suits for money or moveable property.			In other suits.			In suits for money or moveable property.	In other suits
			Rs	Rs.	Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		
Not exceeding Rs. 10	1,252	30	8,007	169	2,834	86	6	6	3	5	10	1	2	4	2	2	13	10	35	51
" " " 50	3,797	41	1,12,218	937	16,324	195	29	8	10	22	13	8	4	4	8	4	12	0	14	21
" " " 100	1,629	20	1,18,037	1,332	14,943	154	72	7	5	66	9	8	9	2	9	7	11	3	12	12
" " " 500	1,546	17	2,89,789	3,493	31,371	376	187	6	11	205	7	7	20	4	8	22	2	0	11	11
Appeals of which the value cannot be fixed.	...	79	...	...	...	396	...	...	...	...	...	...	...	...	...	5	0	2	...	..
Total 1885 ...	8,224	187	5,28,051	5,931	65,472	1,207	64	3	5	54	14	7	7	15	5	7	8	0	12	13
Total 1884 ...	8,666	6,352	5,17,988	2,57,185	64,636	44,122	59	12	4	47	0	3	7	7	4	6	7	11	12	14

Miscellaneous appeals.

44. The numbers of miscellaneous appeals that came for disposal before District Courts during each of the last two years were :—

	1884.	1885.
Appeals from orders under Section 588, Civil Procedure Code	654 ..	465
Other Miscellaneous Appeals	279 ...	224
Total ...	933 ..	689

Of the total for disposal 643 were disposed of; and 46 were pending (none for over three months) at the close of the year. The details of the manner of disposal for each of the last two years were :—

	Percentage. 1884.	1885.
Summarily rejected	23 ...	15·3
Struck off for default or otherwise not prosecuted	5 ...	6·4
Order of Lower Court confirmed	29 ...	30·0
" " modified	1 ...	3·3
" " reversed	25 ...	21·0
Cases remanded under Section 562, Civil Procedure Code	17 ...	24·0

B.—Appellate work of Divisional Courts.

Institution of appeals from decrees in Divisional Courts.

45. The effect of Act XVII of 1884 in increasing the number of institutions of civil appeals in Divisional Courts has already been noticed (paragraph 38). It may be noted that appeals from decrees of District and Sub-Judges in original suits, of which the value exceeds five thousand rupees, lie to the Chief Court direct. The number of appeals from decrees instituted in Divisional Courts in each of the last three years was as follows :—

1883	5,192
1884	7,861
1885	9,788

Agency for the disposal of appeals in Divisional Courts; changes in the constitution of these Courts.

46. During the first ten months of 1884, the agency for the disposal of the appellate business of Divisional Courts consisted of 10 Commissioners, two Additional Commissioners, and 1 Civil Judge (at Peshawar). From the 1st November 1884 the Divisional Courts were re-organized, the Districts of the Province being arranged into seven Civil Divisions, to each of which two Divisional Judges were appointed (with the exception of the Derajat Division, to which only one was assigned). The two Judges of each Division worked on the system of Divisional Benches provided by the Punjab Courts' Act, (XVIII. of 1884), the Commissioner of Derajat being invested with the powers necessary to enable him to sit with the single Civil Judge appointed to that Division. It was found necessary, on the introduction of the new Judicial Scheme in 1884 to transfer from District Appellate Courts, all pending appeals which would, under the new law, have been instituted in the Divisional Courts; and the latter started with heavy pending files. It was also found that the institutions of appeals in the Divisional Courts were far heavier than had been anticipated; so that, although these Courts disposed of as much civil appellate business as had been expected of them, they were not able, working on the Bench system, to keep up with the institutions; and arrears steadily accumulated. It was finally agreed between the Local Government and the Court towards the close of the year now under report (1) that the Divisional Courts could not dispose of the Civil Appellate business coming before them if they continued to work on the Bench system, unless a considerable addition were made to the number of the Judges, and that it would be better to abandon that system; (2) that temporary assistance was required in order to dispose of the accumulation of arrears in the Divisional Courts; and (3) that the permanent addition of a fourteenth Divisional Judge was necessary. The Districts were accordingly re-arranged into thirteen permanent Civil Divisions, and six additional temporary Judges were added to the staff for a period of six months, temporary Divisions being created for them in order that they might be employed without the necessity of a recurrence to the Bench system. It has been recommended that one of these six Judges should be retained permanently, to be employed from time to time in whichever Division his services might be required. These arrangements last mentioned were introduced in all but one Division (where they had effect from 20th October) in the latter part of November 1885.

Details of business of Divisional Courts.

47. The following is an abstract of the civil appellate work (appeals from decrees) of Divisional Courts during the year :—

Pending from previous year.	Instituted during the year.	Total for disposal.	Disposed of.	Pending at the close of the year.
4,586	9,788	14,374	7,574	6,800

It may be noted that the number of civil appeals which, it was estimated, would come before the new Divisional Courts was 6,538, with which may be compared (1) the actual institutions of the year, and (2) the disposals. It is true that, as explained in the last paragraph, for a month and a half in 1885 there were 19 Divisional Judges at work instead of 13; but the whole out-turn of work for the six weeks during which 19 Judges were employed was only 1,619 civil appeals decided, the Courts not having got into proper working order. From these figures it will be seen that the 13 Divisional Judges disposed of as much civil appellate business as it was expected they would be called on to do. It may not be out of place to mention here that the measures taken for clearing off the arrears in the Divisional Courts have produced the desired result. The arrears, which on 1st January 1886 amounted to 6,800, had by 1st May fallen to 4,429.

Details of the methods of disposal.

48. The following are the details of disposal by Single Judges and by Benches of two Judges :—

No. of appeals from decrees decided.		
By Single Judges.	By Benches.	Total.
5,241.	2,333	7,574

The proportions of the various methods in which the decisions of the lower Courts were treated on appeal by the Divisional Courts were as follows :—

	Percentage of Appeals.	
	1884	1885
Transferred, struck off for default, or otherwise not prosecuted	3	6
Order of the lower Court upheld	79	56
" " modified	3	3
" " reversed	12	17
Cases remanded under Section 562	3	8

Pending files and average duration.

49. Under the circumstances explained in the preceding paragraphs, it is not necessary to make further comment on the pending files of Divisional Courts, and, as might have been expected, the average duration of appeals was exceedingly high, being 172 days, as compared with 113 and 92 in 1884 and 1883. respectively.

Value and cost of appeals

50. The following table shows, in the usual form, the value and cost of the appeals decided by Divisional Courts :—

Scale of Valuation.		*Number of appeals.*		*Aggregate value of appeals.*		*Aggregate cost of appeals.*		*Average value of appeals.*		*Average cost of appeals.*		*Percentage of cost to value.*	
		For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
	Rs.			Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		
Not exceeding	10 ...	201	884	1,409	5,714	828	3,948	7 0 2	6 7 5	4 1 10	4 7 6	58	69
" "	50 ...	411	1,619	13,902	50,397	2,969	9,740	34 0 8	31 2 0	6 15 9	6 0 4	20	19
" "	100 ...	203	827	23,380	59,703	3,408	8,752	77 2 7	72 3 1	11 8 8	10 9 4	15	15
" "	500 ...	449	653	1,29,460	1,77,753	13,686	19,428	288 5 4	272 3 5	30 7 8	29 12 0	10	11
" "	1,000 ...	97	92	69,403	61,400	7,556	7,082	715 7 11	679 3 11	77 14 3	75 14 3	10	11
" "	5,000 .	48	22	80,958	40,663	7,987	3,417	1,686 10 1	1,848 5 0	166 6 3	155 5 0	9	8
" "	10,000 ...	...	...	...	...	...	...	...	...	...	...		..
" "	1,00,000 ...	...	...	...	...	...	...	...	...	...	...	.	
Exceeding	1,00,000 ...	...	...	...	...	...	...	...	...	...	...		
Appeals of which the value cannot be fixed ..	..	...	1,693	...	...	...	25,158	...	..	...	14 13 10	..	.
Total	1885	1,509	5,790	3,18,602	3,96,630	36,434	77,525	211 2 1	96 13 0	24 2 1	19 12 6	11	13
	1884	1,315	3,395	6,39,182	5,61,483	60,117	73,740	478 7 5	535 11 6	45 11 5	21 6 10	10	10

Miscellaneous appeals.

51. There were 551 miscellaneous appeals for disposal by Divisional Courts, of which 476, as against 370 in 1884, were appeals from orders under Section 588, Civil Procedure Code. Of the whole number for disposal 329 were decided, and 147 were left pending at the close of the year, the figures for 1884 being 333 and 105, respectively.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Institutions of civil cases in the Chief Court.

52. The civil business of all sorts instituted in the Chief Court in each of the last three years has been as follows :—

Year.	Appeals from decrees.	Appeals from orders.	Applications for revision.	Miscellaneous cases.
1883 ...	2,630	183	707	538
1884 ...	2,612	230	792	650
1885 ...	906	137	1,139	495
Difference in last two years ...	—1,706	—93	+347	—155

It will be seen that the number of appeals from decrees instituted during 1885 was a little over one-third of the numbers instituted in each of the two preceding years. The number of applications for revision has increased from 792 in 1884 to 1,139 in 1885.

53. Of 906 appeals from decrees instituted 107 were first appeals in cases where the value of the suit exceeded Rs. 5,000; and 799 were further appeals from the appellate decrees of Divisional Courts, including certificate appeals, (see paragraph 22) and appeals as of right. The changes in the law of appeal, which were introduced by the Punjab Courts Act, 1884, have been sufficiently explained in the Report of 1884; and it is not necessary here again to detail that portion of them which affects the civil appellate work of the Chief Court. But, in considering the decrease in the number of civil appeals instituted, it must be borne in mind that the Divisional Courts did not keep pace with their institutions (see paragraph 47), so that the number of appellate decrees from which second appeals lay was limited; and this must also have affected the number of applications for revision. With 9,788 institutions the Divisional Courts only disposed of 7,574 appeals from decrees. Had disposals kept pace with institutions in Divisional Courts, the number of further appeals and of applications for revision would clearly have been considerably higher.

It will be seen that with 7,574 appeals decided by Divisional Courts, there were 799 further appeals to the Chief Court (including appeals as of right and certificate appeals); and this gives the proportion of about 1 in 9. But the Divisional Courts were working during almost the whole year on the Bench system, a system which has since been abandoned; and the above proportion cannot, therefore, be taken as indicating the proportion that may be expected hereafter between the number of decisions by Divisional Courts and the number of appeals instituted in the Chief Court. The decree of a Divisional Bench was final where the value of the suit did not exceed five hundred rupees, even though it varied or reversed the decree of the Lower Court, while that of a single Judge under the same circumstances is not final. It may be noted that one result of the measures which have been taken to clear off the arrears of civil appellate work in Divisional Courts has been a large increase in the institutions of civil appeals in the Chief Court. The following are the details of disposals by Divisional Courts and institutions in the Chief Court since the close of the year under report :—

Month.	Number of appeals from decrees and orders.	
	Disposed of by Divisional Court.	Instituted in the Chief Court.
January	1,499	144
February	1,380	213
March	1,617	316
April	1,714	351

General statement of civil appellate work.

54. The following is a general statement of the number of civil appeals (from decrees and from orders) instituted and disposed of, and of the manner of disposal:—

1	2	3	4	5	6	7	8	9	10	11	12	13
Description of appeals.	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed of.	Percentage of appeals. Transferred.	Dismissed for default.	Rejected.	Confirmed.	Modified.	Reversed.	Remanded.	Average duration.
First and further appeals ... From decrees ...	1884	518	1,064	545	...	3	22	33	10	24	8	353
,, orders ...	1884	146	215	131	1	6	29	23	2	17	22	206
Total ...	...	664	1,279	676	...	4	24	31	8	22	11	324
From decrees ...	1885	906	1,445	800	...	3	37	25	6	19	10	251
,, orders ...	1885	137	227	164	...	4	36	18	1	10	31	174
Total ...	...	1,043	1,672	964	...	3	37	24	5	18	13	237
Second appeals ... From decrees ...	1884	2,094	3,189	2,079	...	2	53	16	2	6	21	188
,, orders ...	1884	84	120	79	1	4	44	25	..	10	16	164
Total ..	...	2,178	3,309	2,158	1	2	53	16	1	6	21	187
From decrees ...	1885	...	1,110	939	...	3	17	37	2	7	34	350
,, orders ...	1885	...	41	38	...	5	18	26	...	11	40	259
Total ...	...	...	1,151	977	...	3	17	37	2	7	34	346
Grand Total 1884 ...	1884	2,842	4,588	2,834	...	3	45	20	3	10	19	220
Grand Total 1885 ...	1885	1,043	*2,823	1,941	...	3	27	30	4	12	24	298

* This includes 26 re-admissions.

Details of disposals of civil appeals.

55. The above statement shows that, while the number of civil appeals for disposal has decreased from 4,588 to 2,823, the number of disposals has decreased from 2,834 to 1,941. With a largely reduced number of institutions, there have been fewer cases which could be disposed of at the preliminary hearing by a single Judge in chambers: and this accounts for the decrease as the following figures will show:—

Year.	No. of appeals disposed of.		Total.
	By a Single Judge in Chambers.	By a Bench.	
1883	1,313	1,784*	3,097
1884	1,307	1,527	2,834
1885	519	1,422	1,941

56. The proportion of wholly unsuccessful appeals fell from 68 to 60 per cent. The following figures show the manner in which the appeals coming before the Judges in chambers were disposed of by them in the first instance :—

Manner in which the appeals were disposed of.

Year.	Rejected.		Admitted to a Bench.		Total.
	Without sending for files.	After examination of files.	Without sending for files.	After examination of files.	
1884	995	312	990	484	2,781
1885	288	231	560	359	1,438
Difference ...	—707	—81	—430	—125	—1,343

It will thus be seen that out of 2,781 appeals disposed of by Judges sitting alone during 1884, 1,307, or 47 per cent., were thrown out, while out of 1,438 cases in 1885 only 519, or 36 per cent., were so treated. The cases in which by the new law the appeal to the Chief Court has been abolished are, as a whole, of much less importance and difficulty than those in which the appeal has been left; and a considerably higher percentage of admissions to a Bench was to be expected.

Average duration and pending files.

57. The average duration of civil appeals decided in 1885 was 293, as against 220 days in 1884.

The pending file at the close of 1885, shows a decrease of 872 cases as compared with the previous year. The details for the two years are as follows :—

Year.	Pending in chambers.	Pending before a Bench.	Pending over three months.	Pending more than a year.
1884	452	1,302	1,228	296
1885	88	794	695	305
Difference ...	—364	—508	—533	+9

58. The following table gives details regarding the value and the cost of the appeals from decrees which were decided in the year. Transferred and readmitted appeals have been excluded :—

Average value and cost of appeals.

SCALE OF VALUATION.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		
Not exceeding Rs. 10	...	169	...	940	...	1,502	.. ...	5 8 11	... ...	8 14 3		160
" " 50		309		8,941	...	3,480	... ...	28 14 11	... ...	11 4 2		39
" " 100	10	160	910	11.140	163	2,799	91 0 0	69 10 11	16 4 10	17 7 11	18	25
" " 500	72	288	20,543	65,720	3,145	10,706	285 5 1	228 3 1	43 10 11	37 6 1	15	16
" " 1,000	47	48	33,976	33,412	4,588	4,609	722 14 3	690 8 8	97 9 10	96 0 4	14	14
" " 5,000	56	28	1,15,938	58,568	12,788	6,552	2,070 5 2	2,001 11 5	228 5 9	234 0 0	11	11
" " 10,000	16	6	1.07,285	44,157	8,824	2,909	6,705 5 0	7,359 8 0	551 8 0	484 5 4	8	7
" " 1,00,000	7	2	1,02,609	45,995	7,043	1,756	14,658 6 10	22,997 8 0	1,006 2 3	878 0 0	7	4
Exceeding " 1,00,000	...	...	...	...	...	...	... ...	... ...	... ...	... ...		
Appeals of which the value cannot be fixed	...	507	...	...	...	11,280	... ...	... ...	... ...	22 3 11		
Total ... 1885	208	1,517	3,81,261	2,09,880	36,551	45,651	1,832 15 9	266 3 8	175 11 7	30 1 6	10	17
Total ... 1884	200	2,364	2,94,706	3,29,394	21,059	55,694	1,431 0 9	186 4 11	102 3 8	23 8 11	7	13

The average value of appeals in suits for money or moveables rose from Rs. 1,431 in 1884 to Rs. 1,833 in 1885; and that in other suits, from Rs. 186 to Rs. 266.

Civil revision work.

59. Applications for revision under section 622 have largely increased, a result that was to be expected from the change in the law which has so considerably curtailed the right of appeal. They were 1,139 in 1885 and 792 in 1884. The applications disposed of were treated in the manner shown below in each of the past two years :—

		Number.		Percentage.	
		1884.	1885.	1884.	1885.
Rejected	Without calling for files ...	519	775	66	71
	After calling for files ...	64	140	8	13
Dismissed by a Bench ...	Without calling for files ...	7	5	1	...
	After calling for files ...	101	89	13	8
Orders of lower Courts	Modified	7	2	1	...
	Reversed	16	15	2	1
Remanded for fresh decision		70	71	9	7
Total		784	1,097	...	...

Total of civil appellate and revision work disposed of by Chief Court.

60. Taking the figures in paragraph 55 and those of revisions together, it will be seen that the total number of cases disposed of by Judges in chambers and by Benches were in each of the last three years :—

Year.	Cases disposed of in Chambers.			Cases disposed of by a Bench.		
	Appeals.	Applications for revision.	Total.	Appeals.	Applications for revision.	Total.
1883 ...	1,313	511	1,824	1,784	94	1,878
1884 ...	1,307	583	1,890	1,527	202	1,729
1885 ...	519	915	1,434	1,422	182	1,604

Other civil business.

61. The following table shows the other civil business disposed of by the Chief Court during the last two years :—

Description of suits.	1884.	1885.
Original matrimonial cases	2	2
References under Section 17, Act IV of 1869	...	1
Uncontested applications for probate and letters of administration ...	11	5
References under Section 49, Act I of 1879	1	..
References under Section 617, Civil Procedure Code	11	20
Applications for sanction to sale of land in execution of decrees ...	117	108
Applications for review, for permission to appeal as a pauper, to stay execution of decrees, and other miscellaneous applications ...	597	523
Total ...	739	659

Applications for sanction to sale of land in execution of decree.

62. The following comparative statement shows the results of the applications for the sale of hereditary or joint acquired land in execution of decree during 1884 and the first eight months of 1885 :—

1	2	3	4	5	6	7
Year.	Total number of cases before the Court.	Detail of disposals.			Pending.	Transferred to the Court of Financial Commissioner.
		Sanctioned.	Sanction withheld.	Sanctioned conditionally and remanded for further investigation.		
1884 ...	170	44	66	7	53	...
8 months of 1885 ..	146	44	54	10	...	38

The jurisdiction in regard to applications for such sales has, as already noted, been transferred from this Court to the Financial Commissioners by Punjab Government notification No. 1297, dated 10th September 1885.

PART V.—GENERAL.

Service of processes.

63. The annexed table gives for each District the usual information regarding the service of processes, with the totals for the past and previous years :—

1	2	3	4	5	6	7	8	9		10
District.	Establishment.				Number of processes issued.			Value of stamps for the service of processes filed during the year.		Total expenditure.
	Názirs.	Naib-Názirs.	European Process-servers.	Peons.	Civil.	Criminal.	Revenue.	Rs.	A.	Rs.
Delhi	1	4	1	68	32,493	3,992	2,819	12,024	8	6,388
Gurgaon	1	2	...	27	9,071	1,231	4,286	4,116	2	2,497
Karnál	1	3	...	43	15,687	1,207	1,091	4,763	4	3,624
Hissar	1	4	...	34	14,104	1,420	8,077	5,984	4	3,311
Rohtak	1	3	...	30	18,673	951	1,881	5,953	12	2,834
Umballa	1	8	1	100	27,686	2,832	2,250	13,748	0	8,132
Ludhiána	1	7	...	70	42,142	7,170	2,684	13,473	4	5,236
Simla	1	2	1	16	7,811	834	11	2,809	0	2,415
Jullundur	1	12	1	116	115,416	4,991	3,497	24,655	12	10,617
Hoshiárpur	1	10	...	128	133,838	9,257	6,342	23,308	4	10,981
Kángra	1	4	...	90	37,981	6,384	7,515	11,056	4	6,953
Amritsar	1	11	1	133	78,894	6,972	8,644	23,622	0	12,088
Gurdaspur	1	9	1	98	78,913	4,734	1,374	22,125	0	8,660
Siálkot	1	13	1	103	75,477	6,919	5,472	20,154	0	8,213
Lahore	1	13	1	123	67,116	6,375	4,776	22,586	0	12,543
Gujránwála	1	6	...	80	49,882	5,628	2,389	16,598	4	6,760
Ferozepore	1	7	...	82	48,230	6,393	5,845	12,740	8	7,025
Rawalpindi	1	12	3	99	61,444	4,028	...	18,575	4	9,667
Jhelum	1	7	1	60	35,107	2,736	12,910	10,433	4	5,862
Gujrat	1	6	...	54	46,422	5,779	3,660	10,941	4	5,074
Shahpur	1	4	...	53	32,204	2,425	4,847	9,688	0	4,454
Mooltan	1	6	1	59	37,642	3,450	1,757	9,876	8	6,154
Jhang	1	8	...	42	27,206	1,187	2,641	7,166	12	3,622
Montgomery	1	2	...	35	21,358	1,053	1,117	3,834	4	3,071
Muzaffargarh	1	4	...	60	32,956	1,815	3,868	8,860	4	4,957
Dera Ismail Khan ...	1	6	...	69	36,091	2,404	4,837	10,165	4	6,000
Dera Ghází Khan ...	1	5	...	73	28,796	3,988	4,160	9,490	0	5,902
Bannu	1	6	...	50	20,472	2,319	4,089	6,644	12	4,658
Peshawar	1	8	1	58	26,367	3,398	762	7,333	0	5,737
Hazara	1	3	...	32	17,198	2,666	2,541	4,083	4	2,947
Kohat	1	3	...	20	8,882	2,146	435	2,531	0	2,103
Total 1885	31	193	14	2,105	1,285,559	116,684	116,577	3,59,340	14	1,88,485
Total 1884	32	198	13	2,117	1,251,944	105,223	84,324	3,40,388	0	1,84,348

The total income on account of process fees in the Districts Courts of the Province increased from Rs. 3,40,388 to Rs. 3,59,340, or by something over 5 per cent.; and the expenditure, from Rs. 1,84,348 to Rs. 1,88,485, or by a little over 2 per cent.

In Divisional Courts Rs. 5,220 were realized from process fees, as against Rs. 3,251 in the previous year, while Rs. 2,613 were expended on establishments and postage. In the Chief Court Rs. 2,594 were realized, of which Rs. 77 were expended on postage. Altogether, the net profit to Government from the service of processes was Rs. 1,75,979 in 1885, as compared with Rs. 1,57,598 in the preceding year.

Number of processes issued.

64. There has been an increase in the number of processes issued under all three heads (Civil, Criminal and Revenue); and this is most remarkable in Revenue processes, the number of which has risen from 84,324 to 116,577. The Rawalpindi return shows no such processes issued; but the District Judge explains that they have been included with the Civil processes. The figures still vary a good deal from district to district; and the distinction between Civil and Criminal processes is not perhaps very distinctly maintained.

Fees for inspection of records.

65. The details of the fees paid for inspection of records in Courts subordinate to the Chief Court, and the expenditure from this source, are as follows :—

		Income derived from inspection fees.	Expenditure on establishment, &c. &c.	Balance credited to the Record Office Fund.
		Rs.	Rs.	Rs.
Divisional Courts ...	1884 ...	3,451	2,713	738
	1885 ...	5,469	2,715	2,754
Difference ...		+2,018	+2	+2,016
District Courts ...	1884 ...	10,337	4,425	5,912
	1885 ...	12,475	4,910	7,565
Difference ...		+2,138	+485	+1,653

The above statement shows an increase, as compared with the previous year, in the income and in the expenditure: and also in the balance credited to the Office Record fund.

Distribution of civil work.

66. In paragraph 38 of the Report of 1884 the measures taken to secure a proper distribution of civil work between the various grades of Courts were explained. The tables circulated with the Court's Book Circular VII. of 1885 embodied the scheme of distribution of judicial work elaborated by Mr. G. W. Rivaz in 1884; and it has not so far been found necessary to make any material departures from the details of that scheme.

Conclusion

67. Owing to the great press of civil appellate work in Divisional Courts the Judges of those Courts had little time that could be devoted to the inspection of Subordinate Courts, or to exercising control over them, except so far as the distribution of judicial work is concerned, or so far as cases coming up on appeal gave opportunities of observing their procedure. It is hoped that the arrangements which have finally been agreed to between Government and the Court will enable Divisional Judges not only to cope with the judicial business that comes before them in the ordinary course, but also to exercise an efficient control over the procedure of the subordinate judicial agency.

I have, &c.,

T. GORDON WALKER,
Registrar, Chief Court Punjab.

STATEMENTS Nos. 1 TO 8.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES IN TTE PUNJAB, ON THE LAST DAY OF THE YEAR 1885

1	2	3	4	5	6	7	8	9	10	11	12	13
Class of Court.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.	Number of Officers.		Total number of cases decided.				Remarks.
								Original.		Appeal.		
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.	
Honorary Courts	107,010 square miles.	18,842,264	19	31	124	...	52	10,231	976	...	...	
Paid Sub-Divisional Courts { Tahsil ...						...	127	19,467	2,696	...	...	
Paid Sub-Divisional Courts { Munsiffs ...						...	84	177,726	24,840	...	...	
Small Cause Courts						9	2	22,118	1,349	..	...	
District Courts other than Chief Courts of Districts						25	74	27,991	7,302	4,353	364	
Chief Courts of Districts ...						30	1	2,316	3,392	4,249	279	
Total						64	340	259,849	40,555	8,602	643	
Divisional Courts						19	...	6	1,085	7,574	354	
Chief Court						5		2	5	1,739	202	
Grand Total ..						88	340	259,857	41,645	17,915	1,199	

STATEMENT

PART

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL

PUNJAB, DURING

1	2	3	4	5	6	7	8
	Suits for money or moveable						
	Contract in writing.						
Class of Court.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.
Honorary Courts	346	2,517	2,237	2,532	23	156	104
Paid Sub-Divisional Courts ... Tahsil ...	165	3,817	3,037	3,880	19	105	311
Paid Sub-Divisional Courts ... Munsiffs ...	1,684	68,031	32,685	34,973	188	2,674	1,293
Small Cause Courts	108	6,462	3,644	3,145	114	4,517	1,637
District Courts other than Chief Courts of Districts	947	4,758	2,364	3,857	38	144	180
Chief Courts of Districts	191	271	59	261	4	3	60
Total ...	3,441	85,856	44,026	48,648	386	7,599	3,585
Divisional Courts	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...
Grand Total ...	3,441	85,856	44,026	48,648	386	7,599	3,585

STATEMENT

21	22	23	24	25	26	27	28	29
Other								
Class of Court.	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contract.	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act, not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.
Honorary Courts	8	8	19	1	18	3	6	...	2
Paid Sub-Divisional Courts ... Tahsil ...	83	24	20	20	34	20	2	1	16
Paid Sub-Divisional Courts ... Munsiffs ...	49	66	77	29	254	80	3	2	43
Small Cause Courts	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	613	72	474	74	806	437	40	7	234
Chief Courts of Districts	3	16	58	1	175	45	18	1	15
Total ...	756	186	648	125	1,287	585	69	11	310
Divisional Courts	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...
Grand Total ...	756	186	648	125	1,287	585	69	11	310

No. 2.

I.

AND ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE

THE YEAR 1885.

9	10	11	12	13	14	15	16	17	18	19	20
PROPERTY.						OTHER SUITS.					
						Suits for possession or recovery of immoveable property founded on					
Rent, other than of land.	Moveable property or value thereof.	Damages.	Other suits for money or moveables not already mentioned.	Total.	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Court under Section 54, Punjab Courts Act.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other cause
34	801	68	50	8,868	1	74	267	5	42	1	440
226	1,748	263	191	13,762	9	828	1,267	10	265	9	2,022
1,414	10,998	854	589	155,383	11	3,414	2,568	127	704	7	2,852
1,218	376	68	363	21,646	...	...	...	...	...	...	
114	825	215	209	13,651	19	2,114	2,156	102	832	22	2,055
9	52	33	25	968	1	103	271	21	101	9	148
3,015	14,794	1,501	1,427	214,278	41	6,533	6,529	265	1,944	48	7,517
...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	
3,015	14,794	1,501	1,427	214,278	41	65,533	6,529	265	1,944	48	7,717

No. 2—(*concluded.*)

30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
SUITS—*concluded.*														
Suits relating to betrothals, marriage, divorce and dower.														
Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881.	Any suits not included in the foregoing columns.	Total.	Grand Total.	Total number of suits shown in columns 2 to 7, which were brought by bankers or shop-keepers against agriculturists
100	24	...	25	12	...	2	...	...	...	...	42	1,099	9,968	3,952
49	1	...	32	34	...	1	...	...	...	...	34	4,772	18,543	5,794
1,061	31	32	959	113	...	11	...	...	2	...	20	12,504	167,898	86,267
..	...	...	..	...	...	...	...	...	...	...	...	...	21,646	977
407	2,072	63	259	76	2	...	3	...	30	...	154	13,104	26,774	5,995
8	141	5	10	22	...	1	3	...	50	...	15	1,240	2,209	161
1,625	2,269	100	1,285	257	2	15	6	...	82	...	265	32,719	247,038	103,146
...	...	3	...	...	...	...	...	...	...	...	2	5	5	
...	..	4	..	...	...	...	...	...	...	...	...	4	4	
1,625	2,269	107	1,285	257	2	15	6	...	82	...	267	32,728	247,047	103,146

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	UNDER THE CODE OF CIVIL PROCEDURE.											OTHER MISCELLANEOUS CASES.										
CLASS OF COURT.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal.	Applications under Secs. 98, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution dismissed on default or decreed ex-parte.	Claims to, and objections to the attachment of attached property under Sections 278 and 487.	Complaints under Secs. 328, 332, 334 and 335, except when, in case of obstruction by a claimant in good faith, the case is under Sec. 331, to be registered as a suit.	Enquiries under Sec. 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under Section 401 for permission to sue as a pauper.	Applications under Section 592 for permission to appeal as a pauper.	Applications under Sec. 623 for review of judgment.	Proceedings under Secs. 174 and 643.	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates.	Applications regarding the care of lunatics' estates, and the guardianship of their persons, under Act XXXV of 1858.	Applications for certificates under Act XXVII of 1860.	Uncontested applications for probates and letters of administration under Acts X of 1865 and V of 1881, and applications for the revocation of such probates and letters.	Other cases connected with the custody and disposal of intestate property.	Cases under Section 14 of the Legal Practitioners Act, 1870.	Applications for certificates under Section 40 (c) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns	Total.
Honorary Courts	81	10	458	333	3	5	12	...	77	1	980	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-Divisional Courts — Tahsil	513	48	846	1,037	7	28	29	...	121	3	2,632	...	...	...	...	...	...	...	...	...	22	22
Paid Sub-Divisional Courts — Munsiffs	2,842	44	10,036	9,611	37	537	461	2	873	117	24,560	...	...	...	...	...	...	...	...	...	79	79
Small Cause Courts	149	11	621	290	...	4	16	...	267	8	1,366	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	2,163	21	1,519	2,304	11	82	437	14	329	8	6,888	70	76	2	87	2	...	...	...	...	47	284
Chief Courts of Districts	218	145	179	248	1	4	147	8	143	...	1,093	1,440	298	6	456	54	3	...	...	...	31	2,288
Total	5,966	279	13,659	13,823	59	660	1,102	24	1,810	137	37,519	1,510	374	8	543	56	3	...	...	...	179	2,673
Divisional Courts	504	...	71	...	...	...	...	61	106	...	742	...	...	...	...	...	...	...	390	16	...	406
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL	6,470	279	13,730	13,823	59	660	1,102	85	1,916	137	38,261	1,510	374	8	543	56	3	...	390	16	179	3,079

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1885.

STATEMENT

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN

1	2	3	4	5	6	7	8	9
	Number of							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*			
CLASS OF COURT.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	2,850	140	86	30	4,383	161	144	97
Paid Sub-Divisional Courts .. Tahsil ...	4,581	1,569	279	144	6,916	1,269	522	198
Paid Sub-Divisional Courts .. Munsiffs ...	40,940	1,483	1,064	142	72,719	1,778	2,294	1,019
Small Cause Courts	7,319	...	...	...	9,724	...	...	...
Courts other than Chief Courts of Districts ...	2,171	1,178	377	87	4,603	1,915	955	271
Chief Courts of Districts	46	22	1	2	79	70	6	4
Total ...	57,907	4,392	1,807	405	98,424	5,193	3,921	1,589
Divisional Courts	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...
Grand Total .	57,907	4,392	1,807	405	98,424	5,193	3,921	1,589

STATEMENT

	26	27	28	29	30	31	32	33	34	35	36	37
	Number of Suits											
	Not exceeding Rs. 10,000.				*Not exceeding Rs. 1,00,000.*				*Exceeding Rs. 1,00,000.*			
CLASS OF COURT	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts...	...	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-Divisional Courts .. Tahsil ...	...	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-Divisional Courts .. Munsiffs ..		...	...	...	...	...	...	...	...	...	...	...
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...
Courts other than Chief Courts of Districts ...	6	4	3	1	6	3	...	...	...	...	...	...
Chief Courts of Districts	37	4	4	3	25	...	4	7	...	...	...	...
Total ..	43	8	7	4	31	3	4	7	...	...	...	...
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...
Grand total .	43	8	7	4	31	3	4	7	...	...	...	...

No. 3.

THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1885.

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
SUITS INSTITUTED.															
Not exceeding Rs. 100.				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not exceeding Rs. 5,000.*			
For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits
1,100	112	66	51	505	84	36	36	27	5	1	...	3	1	..	
2,236	448	194	79	29	15	2	2	...	...	...	...	..	...		
24,239	811	948	560	17,485	710	710	433	...	...	...	4	...	...		
2,430	...	...	...	2,173	...	...	...	...	...	...	...	...	...		
2,413	1,167	497	166	2,846	1,037	555	209	1,302	344	138	33	304	106	28	11
37	52	12	7	110	132	39	32	199	45	23	7	435	237	45	21
32,455	2,590	1,717	863	23,148	1,978	1,342	712	1,528	394	162	44	742	344	73	32
...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
32,455	2,590	1,717	863	23,148	1,978	1,342	712	1,528	394	162	44	742	344	73	32

No. 3 *(concluded).*

38	39	40	41	42	43	44	45	46	47	48
INSTITUTED—(*concluded.*)										
Suits of which the value cannot be fixed.			TOTAL				*Total value of suits.*			
For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits
19	23	8	8,868	522	356	222	3,21,662	33,851	18,779	17,282
44	12	4	13,762	3,345	1,009	427	3,81,053	87,490	28,679	12,464
246	230	83	155,383	5,028	5,246	2,241	71,04,445	3,38,706	3,10,065	1,68,116
.	...	...	21,646	...	...	...	9,14,681	...	...	
1,114	458	2,466	13,651	6,868	3,011	3,244	24,21,961	6,88,345	3,41,050	1,64,487
179	55	228	968	741	189	311	16,45,478	4,04,896	2,17,505	2,90,352
1,602	778	2,789	214,278	16,504	9,811	6,445	127,89,280	15,53,288	9,16,078	6,52,701
...	...	5	...	...	...	5	...		...	
...	...	4	...	...	...	4	...	...	...	...
1,602	778	2,798	214,278	16,504	9,811	6,454	127,89,280	15,53,288	9,16,078	6,52,701

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB, DURING THE YEAR 1885.

PART I.—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Number of suits disposed of.												Average duration of suits.		
				Without contest.				On reference to arbitration.		With contest.						
Class of Court.	Number of suits before the Courts.	Transferred.	Without trial.	Compromised under Sec. 375, Civil Pro. Code.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	For plaintiff, in whole or in part.	For defendant.	Pending at the end of the year.	Pending over three months.	Contested.	Uncontested.	Average number of days the parties, or either or any of them, had to attend Court.
Honorary Courts	10,855	...	1,960	2,056	2,099	1,133	133	108	17	1,990	735	624	21	31	22	3
Paid Sub-Divisional Courts { Tahsil ...	20,395	2	3,286	4,145	3,448	1,493	175	269	60	4,477	2,112	928	16	27	20	3
Paid Sub-Divisional Courts { Munsiffs ...	187,500	2	35,738	41,327	30,478	18,204	2,165	1,023	241	35,858	12,690	9,774	283	30	21	3
Small Cause Courts	23,326	...	3,147	4,352	4,127	4,188	206	123	19	4,405	1,551	1,208	112	18	16	2
District Courts other than Chief Courts of Districts.	31,256	2	5,847	3,259	3,558	1,719	430	379	101	8,373	4,323	3,265	435	49	31	3
Chief Courts of Districts	2,780	...	287	239	171	189	25	27	8	877	493	464	139	81	47	4
Total ..	276,112	6	50,265	55,378	43,881	26,926	3,134	1,929	446	55,980	21,904	16,263	1,006	33	21	3
Divisional Courts	7	...	...	...	...	...	...	...	...	5	1	1	...	108	...	3
Chief Court	5	...	2	...	...	...	...	...	...	...	...	3	...	...	77	1
GRAND TOTAL ...	276,124	6	50,267	55,378	43,881	26,926	3,134	1,929	446	55,985	21,905	16,267	1,006	33	21	3

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES, IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB, DURING THE YEAR 1885.

PART II.—MISCELLANEOUS CASES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of Suits before the Courts.	NUMBER OF CASES DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of Suits.		Average number of days the parties, or either or any of them, had to attend Court.
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	1,024	...	161	57	48	25	7	1	1	454	222	48	...	21	13	2
Paid Sub-Divisional Courts { Tahsil ...	2,770	...	873	190	62	22	11	7	...	977	554	74	2	17	10	2
Paid Sub-Divisional Courts { Munsiffs...	26,153	...	6,841	1,416	1,120	827	172	12	1	9,190	5,261	1,313	17	18	17	2
Small Cause Courts	1,396	...	669	129	45	72	7	14	6	266	141	47	1	16	11	2
District Courts other than Chief Courts of Districts	7,686	...	3,122	209	95	91	53	37	28	2,467	1,200	384	3	18	10	2
Chief Courts of Districts	3,630	...	600	83	36	645	70	...	...	1,390	568	238	12	29	20	3
Total ..	42,659	...	12,266	2,084	1,406	1,682	320	71	36	14,744	7,946	2,104	35	19	15	2
Divisional Courts	1,163	...	808	1	...	55	92	...	...	89	40	78	49	28	7	1
Chief Court	6	...	...	...	...	5	...	...	...	...	...	1	...	...	5	1
	43,828	...	13,074	2,085	1,406	1,742	412	71	36	14,833	7,986	2,183	84	19	14	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB, DURING THE YEAR 1885.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					HEARD *ex-parte*.				CONTESTED.								
CLASS OF COURT	Total number of appeals before the Courts.	Transferred to other districts.	Summarily rejected under Sec. 551, Civil Procedure Code.	Struck off for default, or under Sec 557, Civil Pro. Code, or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded under Sec. 562, Civil Procedure Code.	Confirmed.	Modified.	Reversed.	Remanded under Sec. 562, Civil Procedure Code.	Pending at end of year.	Pending over three months	Average duration.	Objections under Sec. 561, Civil Procedure Code.	Objections allowed.
Appellate Courts other than Chief Courts of Districts	4,601	...	785	168	104	12	28	35	1,549	483	731	458	248	3	30	17	4
Chief Appellate Courts of Districts	4,630	8	986	193	181	8	14	18	1,477	341	652	371	381	13	30	20	5
Total	9,231	8	1,771	361	285	20	42	53	3,026	824	1,383	829	629	16	30	37	9
Divisional Courts ... Appeals from original decrees	13,401	16	1,528	376	652	2	13	13	2,265	239	1,120	523	6,654	3,056	172	31	19
Divisional Courts ... Appeals from appellate decrees	973	...	152	61	74	...	4	...	305	25	162	44	146				
Chief Court ... Appeals from original decrees	140	...	11	1	...	...	...	...	8	3	8	1	108	77	197	1	
Chief Court ... Appeals from appellate decree	2,415	...	442	53	28	3	26	18	513	57	171	886	708	569	307	6	3
GRAND TOTAL	26,160	24	3,904	852	1,039	25	95	84	6,117	1,148	2,844	1,783	8,245	3,718	117	75	31

PART II.—MISCELLANEOUS.

Appellate Courts other than Chief Courts of Districts	379	...	41	26	30	1	5	9	74	10	71	97	15	...	28	...	...
Chief Appellate Courts of Districts	310	...	57	15	26	...	5	3	64	10	54	45	31	...	28	...	..
Total	689	...	98	41	56	1	10	12	138	20	125	142	46	...	28	...	..
Divisional Courts ... Appeals from original orders	547	1	51	13	71	...	2	...	118	3	60	32	196	107	103	...	...
Divisional Courts ... Appeals from appellate orders	4	...	...	...	...	...	...	...	2	...	1	...	1				
Chief Court ... Appeals from original orders	96	...	27	2	...	...	...	3	13	..	5	19	27	17	159	...	
Chief Court ... Appeals from appellate orders	172	...	39	7	3	...	...	1	23	1	16	43	39	32	207	...	...
GRAND TOTAL	1,508	1	215	63	130	1	12	16	294	24	207	236	309	156	67	...	...

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB, IN THE YEAR 1885.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
		Applications disposed of.										Realizations in decrees for money.				Number of Applications.													
			Satisfaction obtained in full.		Satisfaction obtained in part.							Amount realized.							On which movable property		On which				On which possession was given.				
CLASS OF COURT.	Total number of applications to execute decrees for disposal.	By transfer under Section 223.	Through the Court.	Under Section 258.	Through the Court.	Under Section 258.	Wholly infructuous.	Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Without issue of coercive process.	After issue but without execution of process.	With the issue of process.	Total realized.	On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment.	On which the judgment debtor was imprisoned.	Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property in land was sold.	Other immoveable property was sold.	Action was taken under Section 305 or Section 326, Civil Procedure Code.	Of moveable property.	Of immoveable property.	On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
Honorary Courts ...	5,336	25	1,808	88	1,118	13	1,789	495	71	42	2,68,209	5,481	15,395	64,980	85,856	1,237	244	12	1,431	336	204	4	110	1	...	178	...	4	...
Paid Sub-Divisional Courts { Tahsil...	17,470	57	6,472	67	3,397	167	6,003	1,307	153	56	5,92,509	16,128	39,729	1,72,934	2,23,791	3,227	462	53	4,430	1,140	591	1	124	11	57	1,477	3	8	4
Paid Sub-Divisional Courts { Munsiffs	1,38,008	487	34,353	868	28,921	882	59,024	13,473	1,399	764	54,93,536	1,46,639	3,32,653	14,23,858	19,03,150	32,711	5,942	721	30,388	6,850	4,019	9	1,321	392	124	2,194	13	29	...
Small Cause Courts ...	15,742	400	3,122	1,274	3,176	1,119	5,736	915	172	103	5,45,558	72,701	35,134	85,428	1,93,264	5,675	1,654	96	826	514	...	...	...	60	21	...	2	...	69
District Courts other than Chief Courts of Districts	26,623	116	6,917	153	5,069	166	11,018	3,184	445	258	37,44,420	67,828	1,35,424	5,63,534	7,66,786	5,116	948	166	4,495	1,754	1,102	22	428	83	268	1,210	155	14	20
Chief Courts of Districts.	5,387	76	1,340	58	1,093	52	1,960	808	121	142	36,17,771	1,52,263	92,517	3,47,909	5,92,689	843	95	33	659	362	208	5	147	28	126	353	53	2	8
Total ...	2,08,566	1,161	54,012	2,508	42,774	2,399	85,530	20,182	2,361	1,365	1,42,62,002	4,61,040	6,50,852	26,58,644	37,70,536	48,809	9,345	1,081	42,229	10,956	6,124	41	2,130	575	596	5,412	226	57	101

DISTRICT STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB, DURING THE YEAR 1885.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.									
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURT.				DISPOSED OF.					
		Filed during the year.							Granted.		Rejected.											Discharged.			
		By judgment debtors.																							
CLASS OF COURT.	Pending at the close of the previous year.	Under arrest or imprisonment.	Not under arrest or imprisonment.	By decree-holders.	Received by transfer from other districts.	Total.	Transferred to other districts.	Withdrawn or otherwise not prosecuted.	A receiver being appointed.	A receiver not being appointed.	Penal proceedings under Section 159 not being taken.	Sentence of Imprisonment being passed under Section 359.	Applicant being sent to the Magistrate to be dealt with.	Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer.	Total.	Transferred.	Died.	Under Section 351.	Under Section 355.	Remaining at the close of the year.	REMARKS
Courts other than District Courts specially empowered under Section 350, Civil Procedure Code. ..	57	18	169	...	...	244	...	99	42	20	19	22	...	202	42	20	62	...	82	...	...	20	34	28	
District Courts	48	46	240	30	...	364	1	119	42	27	115	...	1	305	59	21	70	...	91	...	...	30	34	27	
TOTAL ...	105	64	409	30	...	608	1	218	84	47	134	22	1	507	101	41	132	...	173	...	...	50	68	55	

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY, UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB, DURING THE YEAR 1885.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of insolvents' estates in the hands of Receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realised and outstanding.*				
NAME OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realised assets in the hands of Receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of Receivers at the close of the year.	REMARKS.
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Courts other than District Courts specially empowered under Sec. 360, Civil Procedure Code...	15	42	32	25	1,03,500	28,202	28,050	13,968	1,08,658	3,374	12,910	13,906	2,378	
District Courts	35	41	34	42	2,47,338	51,119	1,20,234	64,859	2,33,176	40,196	25,469	30,393	35,272	
TOTAL ...	50	83	66	67	3,50,838	79,321	1,48,284	78,827	3,41,834	43,570	38,379	44,299	37,650	

STATEMENT No. 8.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1885.

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which Judge agreed with assessors.	*Number of cases in which Judge differed from*	
				One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	10	8	1	1

Extracts from Annual Civil Reports of Divisional and District Judges.

SUBJECT No. 2.—*Classification of suits.*

DISTRICT JUDGE, JHANG.

(MR. L. W. DANE.)

Suits on account stated increased from 2,209 in 1884 to 2,510. There appears to be a steady increase in this class of suits from year to year. The Financial Commissioner, acting on the opinion of the Government Advocate, has recently ruled that a balance witnessed, in which the debtor acknowledges his liability, is not a bond, and only requires a one-anna stamp. This ruling will certainly cause a great falling off in the stamp revenue, and will probably open a wide door to fraud, as it is easy for a *baniya* to get another *baniya* to witness a fictitious balance struck in his books; and in most, if not all, of these cases, the witnesses are neighbouring *baniyas*. To purchase a stamped paper and forge a bond is more difficult; and besides there is a greater risk of detection. It is already a general subject of complaint amongst Zamindars that decrees are always granted on these forged balances; and, as few *baniyas* will now take the trouble to have bonds written when they can, under this ruling, get the security of witnesses on a one-anna acknowledgment in their own books, suits of this class will certainly increase and the complaints will become more general. No mention in the Stamp Act, schedule I, clause 1, is made of an acknowledgment in an account book being witnessed; and it appears only fair, when the wording of the acknowledgment can be construed, as it generally can, into a promise to pay, and the document is made more formal by the addition of witnesses, that a regular bond should be drawn out, or that the document should be stamped as a bond. If this is not the law at present, I can only say that the sooner the law is amended the better for the interests of Government and the Zamindars.

The total number of suits shown in columns 2 to 7 brought by shopkeepers against agriculturists has been shown in 1885 as 2,577, or about 43 per cent. of the whole number of suits, against 1,025 in 1884, or about 20 per cent. This is due to a more careful classification of suits in the year under report, and partly perhaps to the continued drought which impoverished the agricultural classes to some extent. There can be no doubt, however, that the land is rapidly passing into the hands of the money-lending classes. Most of these have now acquired land in some form or another, and so it is very difficult to distinguish between agriculturists and non-agriculturists with any approach to exactitude. As most of the money-lenders are Hindus and Sikhs, and as these sects only number about 36,500 males against 1,77,683 Musalmans, a return showing the amount of suits brought by Hindus against Musalmans would, I believe, show more nearly the state of things than the present classification. Similarly, a return giving the amount of land held in proprietary right or on mortgage by Hindus would give some real idea of the extent to which the original owners of the soil were gradually becoming expropriated.

DIVISIONAL JUDGE, DERAJAT.

(MR. DAMES.)

Suits on unregistered bonds rose from 7,427 to 8,043, the increase occurred in all the three Districts. On the other hand, suits for parol debts show a falling off from 8,307 in 1884 to 8,103 in the past year. The figures would indicate that money-lenders insist more frequently on the execution of a bond than previously. This is not to be regretted, as it gives the debtor an opportunity of understanding his accounts and knowing his liabilities.

SUBJECT No. 16.—*Commissions for local investigations and examination of accounts.*

DIVISIONAL JUDGE, DELHI.

(MR. STOGDON.)

Supervision is necessary in some cases to prevent the issue of commissions hangers-on, more for their own benefit than for any other purpose. Tahsild rarely have occasion to issue them. As for the examination of accounts, I 9 cases out of 10 a Judge is much more likely to arrive at a satisfactor personal examination rather than by derogating his duty to an inefficient

DISTRICT JUDGE, GURGAON.

(Mr. MACONACHIE.)

Ordinarily it seems absurd that the Tahsildar, the most peripatetic officer of the district (as he ought to be, with the doubtful exception of the Deputy Commissioner), should want to send any one to make local investigation, and I will issue orders on the subject. The harm is not merely that a fresh charge, often a very heavy one proportionally, is made on the parties, but that the functions of the Court of the most delicate and responsible kind, are wrongly delegated to persons who are presumedly, of mental and social calibre, inferior to the Tahsildar in every way. For Courts at the Sadar it is different, and I am not inclined to suspect any abuse of power in this respect.

DIVISIONAL JUDGE, AMRITSAR.

(Mr. WILKINSON.)

The frequency of commissions in one particular Court attracted the attention of the Chief Court during the year. There is no doubt that the issue of commissions for local investigation is very much abused. Instead of being an enquiry into topography and cognate matters it is now in most cases a supplementary trial by an irresponsible private person (or, worse still, a patwari or petition writer), instead of a regular trial in Court. If such a commission be not appointed, it is regarded as a grievance and made a formal ground of appeal. It has even been hinted that litigants reserve their enquiries for the contest before the local commissioner, instead of producing their best evidence in Court.

Subject No. 18.—*Any point or points of procedure not included in the preceding heads.*

DIVISIONAL JUDGE, RAWALPINDI.

(Mr. Frizelle.)

The District Judge states that "there is still too great a tendency amongst Munsiffs to go by law rather than by justice. It is a practice in many parts of Rawalpindi to write false bonds, in others to strike false balances. Witnesses are of course forthcoming, and, though the case is often false on the face of it, decrees are often given. The practice of decreeing money on Hindi bonds is a bad one. Hindi is not understood by the people, and it is quite possible for a larger sum to be entered as written for, and larger interest to be recorded as payable, than was really stipulated for. Not one Zamindar in a hundred can read the character: the writer is the creature of the money-lender, the witnesses his brother shopkeepers. A year or two after the bond was written a suit is brought for Rs. 500, when only Rs. 100 was stipulated for. Such Hindi bonds are most untrustworthy. It is moreover common with all bonds, for one money-lender to give evidence to one false bond on the understanding that in return his bond will be witnessed when he wants to forge one. I wish the Munsiffs would use a little more common sense in such matters. Decrees are executed with too little regard to the circumstances of the debtor."

The defect that has struck myself most is the almost universal carelessness of all Courts in the proper examination of the parties themselves. I am afraid Chief Court Book Circular VI of 1884 has not as yet been productive of much good in this respect. I rarely if ever see an attempt on the part of the Courts to reconcile the differences of the parties, or to induce them to come to terms.

Subject No. 19.—*Process fees and process-serving Establishment.*

DISTRICT JUDGE, JHANG.

(Mr. L. W. DANE.)

The usual complaints are made against the process-serving establishment to the effect that they either seize or release property improperly; but, as long as the important duty of attachment is entrusted to men on Rs. 5 a month, it is impossible to expect that things will much improve in this respect. It would, I believe, be better to appoint a special staff of bailiffs for attachment and execution work on Rs. 10 a month. The higher rate of pay might tend to keep them more honest. At any rate as men who can read and write would be employed, they could be held responsible for fraudulent practices in the way of reporting the attachment of a larger or smaller amount of property than was actually so attached, more stringently than can be done at present, when the peon's answer is, if brought up in a case of the kind, that as he cannot read or write he had to get the receipt for the property and the report written by some one else, and did not know what was actually written in it. At present half the income from process fees is unexpended, and so funds can easily be made available to meet the cost of the Establishment proposed. The present system under

which a horde of ravening underlings, each drawing less pay than a good coolie, is let loose to prey upon the unfortunate debtors, is a disgrace to our administration of Civil Justice, and calls urgently for a remedy. In these remarks it must be understood that I do not mean to imply that the state of things in this respect is worse in Jhang than elsewhere, for I feel sure that any Revenue officer who has hadmuch to do with the people, will to a greater or less extent corroborate my statement that the present system of executing decrees is scandalous.

DIVISIONAL JUDGE, DERAJAT.

(MR. DAMES.)

I agree with Mr. Thorburn that, looking to the enormous profits derived by Government from the process fees, the pay of process-servers should be improved, and none employed but those who can read and write well.

SUBJECT No. 20.—*Supervision of the Civil work of Subordinate Courts.*

DIVISIONAL JUDGE, DELHI.

(MR. STOGDON.)

Owing to press of work the Divisional Judges had no leisure to inspect any of the subordinate Courts during the year. I hope, however, to be able to find time to inspect the whole of the Head quarters Courts during the present year. I have already inspected the Gurgaon Courts. So many cases come up on appeal from all Courts that a better idea is probably gathered of their working from them than from a casual inspection of a few registers, which are, as a rule, properly kept.

Most of the District Judges maintain a strict supervision over the subordinate Courts.

DISTRICT JUDGE, DELHI.

(MR. HUGHES.)

The attention of the Munsiff and the Tahsildar Sonepat has been specially drawn to Chief Court Book Circular No. XI of 1883, as a tendency on their part to award interest on decrees unnecessarily, and at improper rates, has been observed.

DISTRICT JUDGE, GURGAON.

(MR. MACONACHIE.)

This is an endless task, and I cannot say I am satisfied with the amount of supervision I have been able to give. Yet there is no doubt that a considerable amount of influence emanates from the principal Court of the District, and very rarely does any considerable time elapse without instructions issued to one or other,or all of the subordinate Courts. I hope to systematise, however, more than hitherto, and follow up instructions more persistently. I find sometimes that to draw attention to a thing once is not enough. After all the system of check is now so intricate, that original Courts are kept pretty well up to the mark.

SUBJECT No. 22.—*Any subject connected with the administration of Civil Justice not included in the above.*

DISTRICT JUDGE, DELHI.

(MR. HUGHES.)

Pauper suits for large amounts are coming up in unusual numbers; and I am not sure that the intention of the law is not defeated by its letter. Where the amount involved is large, the suitor may be presumed to have friends or relatives who could enable him to maintain his claim, supposing it to be reasonable, in the usual way. And the facility of suing *in formâ pauperis* may tempt an intending suitor to delay his claim and waste his substance. The themes of several such suits that have come under my notice have been romantic and improbable in the extreme. I believe it might be advantageously enacted that no suit *in formâ pauperis* should lie to a greater value than Rs. 500.

The uncertainty in which book accounts between agriculturists and shop-keepers are often involved after the best enquiry that can be made, is largely due, I think, to the lack of prescribed ceremonial and form in their dealings. My own experience is that the

ordinary litigant and witness in our Civil Courts is very reluctant to tell a falsehood which shall be known to be such to his near neighbours and associates, while he is generally indifferent to the opinion of outsiders. Therefore, if it were enacted that no balance struck and no item of account for cash advances or payment nor for produce exceeding say Rs. 5 should be considered even *primâ facie* valid between *baniya* and peasant, unless purporting to be attested by at least three witnesses of the debtor in addition to those of the creditor, I believe that we should bring a new spring of conscience into activity and prevent many false claims, more false denials of true claims, and incidentally put a check upon the reckless incurrence of debt.

DISTRICT JUDGE, GURGAON.

(MR. MACONACHIE.)

It seems well to note separately on the important subject of realizing decrees by attachment of land. The matter is indeed of special importance in Gurgaon. There is no doubt that the position of the Judicial officer in such cases is somewhat anomalous. Legally, he is bound to proceed to the extremity of selling the land, while in practice, from personal sympathies from the known traditional predilections of authority, and from the practical difficulties in the way of securing a fair sale, matters are generally kept half way, or the case is filed, or an arrangement is made which is demoralising alike to the creditor and debtor. It seems to me that we ought, on the one hand, honestly to sell up land, if we cannot realize in any other way; but on the other, I would *compel* decree-holders themselves to see to the management of the land at a fair valuation of so much per year, if by such arrangement the money can be paid. It is far better morally for the judgment-debtor to be temporarily turned out of his holding, by an arrangement which shall at the end of a fixed period give it to him back free of all encumbrance, than for him to continue in a serf-like dependency on the decree-holder, even with the apparent privilege of possession. Without discriminating logically between my duties as collector, and those of the District Judge, I am attempting to enforce the rule that when the land is offered to the decree-holder at a fair valuation (which I always make myself after careful calculation, at so much net rent per annum, which will extinguish the debt in so many years), and he refuses to take it, no further execution against the land is allowed. In the circumstances of Gurgaon this entails no hardship on the creditor.

DISTRICT JUDGE, ROHTAK.

(MR. PURSER.)

Mr. Walker, on receipt of letter No. 2461, dated 1st August 1885, drew the attention of the subordinate Courts to the subject of decrees bearing interest. I may observe that in many cases when interest is allowed, instalments are also agreed to, and if too much strictness is shown in not allowing interest, the plaintiff will have no object in showing mercy to his debtor. The attention of the Court will again be drawn to the matter, and it is hoped that the returns of the current year will show better results.

DISTRICT JUDGE, UMBALLA.

(MR. BIRD.)

There is great need of complaint against the practice of the local bar of taking up cases when they have had no opportunity of making themselves acquainted with the points at issue or the circumstances of the parties. In appeals, the evidence recorded in the lower Court has not been studied, nor do they usually write the petition of appeal. This is doubtless due to the fact that litigants very often do not engage them in the first instance; but if it was understood that cases would not be taken up unless they were engaged at the onset, there is little doubt that the state of things would soon be remedied. At present the benefit to clients is very small, while little or no assistance is afforded to the Court by their agency. Disputes too frequently arise between them and the native Judges, which are very hard to arrange when it is remembered that their deportment in Court is often not what it should be.

DIVISIONAL JUDGE, AMRITSAR

(MR. WILKINSON.)

I do, however, consider that they (Pleaders) take too limited a view of their duties and responsibilities. They are not sufficiently alive to what is required of them in conducting a case for their clients. They seem to think it sufficient to appear in Court

and to explain to their clients, after issues are drawn, that they have to prove certain points indicated. As to advising their clients or discovering from them how they propose to establish the points to be proved, they assume no responsibility. When the case comes on at the next hearing, they examine their client's witnesses and cross-examine those on the other side, reserving for Appellate Courts the complaint that evidence has not been taken on this or that question, the result in fact of their own want of care. To rule that the evidence should have been adduced by the parties in the first Court would only involve a remand by a superior Appellate Court, entailing trouble on the first Appellate Court and expense on the clients and no loss to the Pleader. What I maintain is that the Appellate Court is not the place to start these objections; but that it is the duty of the Pleader to see that the proper evidence is forthcoming from his client in the Court of first instance. I consider that instructions are imperatively required on this point; and I would press on the Judges that some instructions should be issued unmistakably imposing on legal practitioners the duty of seeing that the proper evidence is forthcoming. and affixing on them responsibility for neglecting such duty. As matters stand, the Courts have virtually to conduct cases for litigants in addition to adjudicating upon them.

DISTRICT JUDGE, MONTGOMERY.

(Mr. TROWARD.)

The consequence of this distress is that large numbers of agriculturists will be unable to meet the claims of decree-holders, who will probably take advantage of the present crisis to press for the attachment and sale of immoveable property, or else coerce the judgment-debtors into giving them very advantageous mortgages by threats of imprisonment. It is a difficult matter at once to comply with the provisions of the law and to extend to agriculturists that degree of protection which the present calamitous season requires. The subject is one of great importance and deserving of the consideration of the higher authorities, as to whether further provisions could not be added to the law of procedure enabling the authorities to extend relief to judgment-debtors of the agricultural class in bad seasons, as difficulties of the kind may arise at any time in any District of the Empire.

DISTRICT JUDGE, RAWALPINDI.

(Mr. GLADSTONE.)

As Honorary Judges are not usually appointed for their legal attainments, I suppose there is nothing remarkable in the procedure of the Honorary Judge being a little irregular. I am myself of opinion that it is not always advisable to reward Military merits by the bestowal of civil powers. It is moreover difficult for a purely civil officer to exercise supervision over an officer who has claims on Government for services which must be recognized by executive officers.

Altogether it may be said that the Courts would have worked very much better if there had not been so many changes in the office of District Judge. Proper control cannot go on without some local knowledge on the part of the District Judge. This knowledge can only be obtained by that officer remaining some time in the office of District Judge. There are undoubtedly many professional witnesses hanging about our Courts. An investigation, recently began, shows that in the Court of one Munsiff of Rawalpindi one man gave evidence 31 times. The Munsiff's colleague thinks the same man has given evidence some 20 times in his Court.

DIVISIONAL JUDGE, PESHAWAR.

(Mr. BENTON.)

During the year we (the Peshawar Bench) issued circulars to the Subordinate Courts on various matters which have had a beneficial effect. We desired that Civil and Revenue suits should not be mixed up together in the same registers. It is not desirable, I think, that whole sets of separate registers should be kept up for civil and for revenue cases. It is very desirable that some suitable arrangement should be come to between the Chief Court and the Financial Commissioner on the subject.

The Courts have been ordered to carefully discriminate between civil and revenue cases by noting the Department in which the case was decided at the head of the judgment; but this is still too often neglected.

We have also issued repeated orders with regard to a kindred matter, *viz* :— a statement of the value of the subject-matter of the suit in the plaint. This is very important, of course, as determining whether the suit is within the Court's jurisdiction, and the course of appeal. We have had to set aside a great many decrees, because this matter was not attended to at the beginning, and the defect still continues to give trouble as the Chief Court doubtless finds. *

* NOTE — The Chief Court has recently issued general instructions on these two points.

We issued instructions with regard to the distribution of cases, recommending arrangements which would work automatically, so far as this was possible. I believe that the convenience of the public and of the Courts in the Peshawar district has been greatly promoted by these instructions, the previous arrangements having been very inconvenient, people having to come into head-quarters and trudge back again to the Tahsil before a petty suit could be instituted.

In the early part of the year we issued a circular commenting on the more important defects that came before us in hearing appeals, by which the work of the Courts has been materially improved.

The principal matters discussed were the drafting of plaints, the discontinuance of measures not generally known for indicating matters in dispute, the settlement papers and fractions being recommended in all cases possible where the subject was land, the more thorough examination of the parties before drawing issues, attention to the rules of the Procedure Code with regard to documents, the more frequent and flagrant faults as to the drawing of issues, the drawing up of the decree.

DISTRICT JUDGE, HAZARA.

(MR. FRYER.)

There is no subject which I particularly desire to mention this year. The administration of Civil Justice has worked smoothly. The District has been prosperous, and the generality of the agriculturists are well-off. The only feature in the Civil Administration which causes me anxiety, is the great and growing indebtednesss of the Jagirdars and rural notables. I can only name a very few who are not bowed down by debt. The common plan is for them to give bonds to money-lenders, which they renew from time to time, adding large sums as interest. They seem not to care how much debt they incur; and the deeper a Jagirdar is in debt, the more outward show and display he will make, and the greater will be the number of his retainers. The great disadvantage these men labour under is the want of employment. They will not even take the trouble to manage their own estates, and are consequently preyed upon by harpies. The eventual ruin of the best families in this District is only a question of time; and I do not see how it can be averted, unless by a change in their manner of life.